



Cameron Welch

“Land is Life, Conservancy is Life.”

**The San and the Nǀa Jaqna Conservancy,
Tsumkwe District West, Namibia**

Preface by John G. Galaty

Basel Namibia Studies Series 20

Basler Afrika Bibliographien 2018

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Preface

Namibia is the driest country in southern Africa, a wide expanse that stretches from the Kalahari Desert to the Namib Desert along the Atlantic Coast. But as the peoples of the Sahel and Sahara, the Horn of Africa and Eastern Africa are aware, aridity has its virtues. Dryland, semi-desert and savannah are regions of grassland where few enterprises occur apart from those that depend on wildlife and domestic grazing animals. The digestion process of cellulose in grasses creates nutrients on which hunter-foragers and human pastoralists can survive and even thrive. Even in the virtual absence of crop cultivation, the competition that does exist is between uses of rangeland for hunting wildlife and herding livestock and pursuing gathering of the produce of wild arid land vegetation.

The history of the San-speaking peoples is a testimony to resilience and struggle. Khoisan speakers of click-languages once inhabited and proliferated throughout the eastern and southern half of Africa, from long before the time of the southern spread of communities from the other three major African language families that progressively absorbed and replaced them. This history of the linguistic *longue durée* is attested by the presence of several remaining click-speaking communities in East Africa, the Hadzapi, Kindiga, and Sandawe, who bear testimony to the original widespread habitation of most of Eastern Africa by click-speakers, until approximately 8,000 years ago. Today, members of the Khoisan click language family mainly reside in dry regions of Botswana, Namibia and South Africa, where they have been pushed over time by Bantu speaking groups.

Cameron Welch's long and dedicated work in Namibia has taken place among the San of Nǃa Jaqna in Tsumkwe District West in the North Eastern region of Namibia, many of whom are speakers of various San languages. Many San were gathered in the region after returning from southern Angola where they had sought refuge after the long and bitter war for Namibian independence that pitted the South-West African People's Organization (SWAPO) against the South African Defense Force, which lasted from 1962 to 1990. Unfortunately for many San, they had been recruited as trackers by the South African forces and found themselves on the wrong side of history when SWAPO became a political party and, with its president, Sam Nujoma, as chief of state, was elected to lead the new state of Namibia. Nonetheless, the settlement of the San in Nǃa Jaqna, where they joined other Khoisan community members, took place with an understanding that their voices would predominate in a region given over to conservation and continuing access to wildlife and foraging resources on which they largely depended.

As delineated by Cameron Welch in this important work, the creation of a coherent and integrated community of formerly hunter-gatherers has depended in large part on the formation of a Community-Based Natural Resource Management organization (CBNRM) called the Nǀa Jaqna Conservancy. This book describes the origin, history and politics of the Nǀa Jaqna Conservancy, which, as the name implies, was intended to provide for the administration of wildlife conservation across its large, 10,000 square kilometer area, settled with villages and providing resources on which community members depended. But, as Welch's account so vividly describes, the Conservancy became, over time, the central pivot around which social life, community leadership, and collective identities turned, in short, the community's central institution. In a state dominated by commercial ranchers of South African origin, the majority Ovambo peoples, and pastoralists such as the Herero, the embodiment of the modest Khoisan in an internationally recognized and respected organization was of immense importance as they asserted their right to be recognized as one of Namibia's founding peoples.

More generally, the founding of new organizations dedicated to CBNRM has been of immense significance for indigenous peoples in Africa, a self-defined classification that in the contest of the United Nations Permanent Forum for Indigenous Issues usually includes the continent's hunting and foraging and pastoral peoples. These CBNRM organizations provide the San, and other indigenous peoples of Africa, with an internationally legitimated framework for holding land, managing resources, implementing environmental conservation, and pursuing tourist enterprises. This relatively new international recognition of the rights of indigenous peoples has been of great significance for San-speaking peoples throughout southern Africa, who have been faced with cultural dislocation, dispossession and poverty, and have exercised little political power in their home countries.

Although Welch has pursued long-term anthropological research in Nǀa Jaqna, his involvement began years before when he served as a Development Coordinator in the Nǀa Jaqna Conservancy, indeed played a role in the creation of the Conservancy and its application for recognition and funding by the Working Group of Indigenous Minorities in Africa (WIMSA), an NGO network that helped to coordinate and represent the interests of groups of marginalized indigenous San people in southern Africa. While the major aim of WIMSA has been to encourage the development of San Councils that engage in lobbying on behalf of San communities, it has encouraged recognition of their human rights and has helped to further San education and more generally the protection of San culture and heritage. After playing a mediating role between the newly-founded conservancy and WIMSA, and as a community liaison with the Namibian authorities, Welch switched his role from advocate

to researcher, as he was well-placed to carry out an in-depth study of community dynamics and state-local relations in Tsumkwe District.

Understanding how effective these community-based conservation (CBC) organizations can be, and what larger effects they have on local society, the arid-land environment, and relations with the state were quite important goals of his study. Cameron worked with a Conservancy where he was well-known, which represented the largest body serving San communities in Namibia. His work demonstrates a sophisticated grasp of theoretical and substantive issues involved, as he draws on development theory, describes the role of civil society (NGOs in particular) in development, understands well the international discourse and practice on indigenous peoples, its links to the human rights movement, processes of mobilizing local political action; and the social transformation of indigenous hunter-gatherers into citizens of a modern state. He combines mastery of this body of academic theory and analysis while integrating it with a very firm grasp on the actual dry-land terrain, a terrain defined in social, political and environmental terms. He demonstrates that he knows the players involved in the difficult game of land politics, all by name and reputation, many in person, and sees how organizational and land-use questions are bound up with history and politics, both of San-speakers and Namibia and its own struggles.

He describes the many challenges faced by an indigenous community in Namibia, and the opportunities provided by having their “own” organization, bolstered by recognition by the state and the larger global indigenous movement. Challenges include increasing pressure by Herero pastoralists, who it seems have been promised some of the same land governed by the Nǀa Jaqna Conservancy, subsistence struggles in the context of aridity and drought, competition over conservation benefits in the face of a legalized commercial hunting, and minimal power in the context of a government dominated by non-San groups. Opportunities include the value of having the Nǀa Jaqna Conservancy as an institution that both represents and supports their development as a community, their increased integrity as a people that enjoys international recognition, and their defined rights – always needing struggle to hold on to – over their own land and resources, as a people. To these issues, Welch has brought recognition and understanding through his remarkable book, which portrays the history and illuminates the contemporary life of the San peoples of Nǀa Jaqna.

John G. Galaty
McGill University

1 Introduction

In December of 2003, the predominately San-speaking residents from 25 settlements in the communal area of Tsumkwe District West in North Eastern Namibia received official Conservancy status from the national government under the Community-Based Natural Resource Management (CBNRM) Program. After several years of planning and delays, residents had been granted limited rights to manage and benefit from wildlife and tourism development in their environments. Later that same year, a joyous and energy-filled inauguration of the Nǀa Jaqna Conservancy was held in the host village of Mangetti Dune.

Elected Conservancy leaders and registered members were transported by truck while others walked (sometimes over great distances) to the inauguration from all of the villages dotted across the approximately 10,000 square kilometer Conservancy area. Representatives of various government ministries, local, national and regional non-governmental organizations (NGOs) (myself included in a new role as Development Coordinator of the Conservancy) also attended the highly anticipated event. In a hot and crowded church, after some ceremony, a high-ranking official from the Ministry of Environment and Tourism (MET) stood to address those gathered. She spoke with conviction about how the government understood “Conservancy” and while invoking a maternalistic metaphor, stressed that the government had devolved rights to the “Community” to manage game animals and tourism development. She spoke of the great responsibility to sustainably manage natural resources on the part of the Conservancy Committee. She spoke of the democratic nature of the Conservancy structure and then gave a detailed explanation of how benefit distribution should be conducted, stating that the government understood the Conservancy as a means to conserve natural resources while generating economic return and achieving economic diversification. She expressed a desire on the part of the government to work with local resource users to conserve the environment for the benefit of all Namibians.

After underscoring economic and legal aspects of the establishment of the Conservancy, the government official opened the floor to questions from local residents. One of the first people to take the floor was a man who rose and proudly introduced himself, in his mother tongue of Jul’hoansi, as the elected Chairperson of the Nǀa Jaqna Conservancy. He thanked the Ministry of Environment and Tourism official for her overview of the Conservancy structure and stated that he looked forward to working to bring tangible benefits to the membership of the Conservancy. He spoke eloquently about the cultural importance of game for the San. He spoke of the desire on the part of residents to increase game numbers and tied such an increase to the strengthening of tradition and customary practices of the

San. He then gave an overview of the loss of control over land and resources experienced by San-speaking groups of the area in historical and contemporary contexts. He underscored increasing competition for resources in the Conservancy as a result of an influx of cattle keeping peoples and stated his hope that the Conservancy would help to protect the resources of Nṭa Jaqna for generations to come. These statements from the Chairperson were met with lively approval from many of the local residents assembled. Following this inauguration, with great enthusiasm, the people of Nṭa Jaqna set about the complex task of Conservancy making.

By 2008, the Nṭa Jaqna Conservancy had achieved many short and medium-term goals. Governance structures had been negotiated and established, leaders from all of the villages in the Conservancy were elected to various committees, governance and human rights training had been given to the membership and leadership of the Conservancy, a land and resource zonation and use plan had been established, a five-year development plan had been written, several grants had been secured from international donors to support Conservancy activities, game (re)introduction efforts were underway and provision of water for game was undertaken. Income generation projects were bearing fruit. Challenges had been identified and solutions discussed. While being far from conflict and problem free, Nṭa Jaqna was recognized for its successes with the awarding of an Equator Prize by the United Nations (UN)-led partnership of governmental, non-governmental and conservationist groups.

This prize recognized the positive efforts of Nṭa Jaqna aimed at reducing poverty through the conservation and utilization of natural resources. Conservancy members and leaders took great pride in this external recognition of collective efforts. The UN and global conservation groups positioned Nṭa Jaqna as a role model for “communities across the globe” (United Nations Development Program 2008 1).

At the same time that Nṭa Jaqna was garnering international accolades, internal and external claims on Conservancy land and resources were bringing great pressure to the Conservancy, its membership, and the programming that had begun to produce positive outcomes. The influx of people and cattle into the Conservancy, spoken of by the chairperson at the inauguration of the Conservancy some five years before, had continued and increased in some areas, often resulting in alienation of San access to, and control over, land and resources across the Conservancy. Individuals and private sector companies were making aggressive claims to large parts of the Conservancy on which they wished to generate private wealth. The government had also announced plans to establish privately-held, commercially-oriented farms over the northern third of the Conservancy. The future of Nṭa Jaqna and its membership was now far from certain or secure. The San of Nṭa Jaqna found themselves at the nexus of a number of social, economic, environmental, legal and political

processes, at the local, national, regional and international levels, that can be identified as drivers of rapid change in the Nǀa Jaqna Conservancy.

Community based natural resource management or CBNRM, with its attention to community participation, its call for de-centralization of rights to local resource users through democratic and equitable structures, and its potential to deliver benefits to local livelihoods and national conservation interests, now forms the predominant strategy for rural development in the communal areas of Namibia. This framework is presumed by the Namibian government and international bodies concerned with conservation and development to deliver measurable and positive economic, environmental, and political results for the state and all of its citizens. For residents of many of the communal areas of Namibia, the “Conservancy” has become the primary avenue through which rural residents engage with development and conservation in various efforts to improve local livelihoods and to conserve natural resources. CBNRM has taken on particular form and significance for the San in Namibia.

This work examines the current position of the San as marginalized indigenous peoples in Namibia. In doing so, it explores how CBNRM has become a nexus through which questions of indigeneity, conservation and development have come to bear on San communities. Focusing on the experiences of a group of predominantly San communities in the North-East of Namibia, the historical and contemporary situations of the San in Nǀa Jaqna and their engagement with CBNRM are examined. In looking to the future, this study seeks to understand what mechanisms and institutions give indigenous groups, such as the San, a foothold in the state and an avenue through which to navigate and shape their own modernity(ies). This work also seeks to identify the modalities with which conservation comes together with interests of indigenous groups and how indigenous groups deploy leverage gained through invoking conservation as discourse and practice. In examining San engagements with the Conservancy structures in Nǀa Jaqna, this work will seek answers not only to the question of what San engagements with CBNRM can tell us about the potential of the CBNRM framework itself for facilitating rural development and conservation, but also the question of what engagement with CBNRM can tell us about how the San of Namibia actively engage in rural development. The following focuses not solely on how policies and governmental or non-governmental interventions have impacted San realities and ways of life, but also the ways in which the San of Nǀa Jaqna have negotiated, impacted, and shaped these processes.

This work illustrates how the development of the Nǀa Jaqna Conservancy and associated groupings, institutions, and discourses has served to bring to the forefront many of the challenges, pressures, and opportunities encountered by the San of Namibia in general, and those residing in communal areas in particular. It will use the implementation of CB-

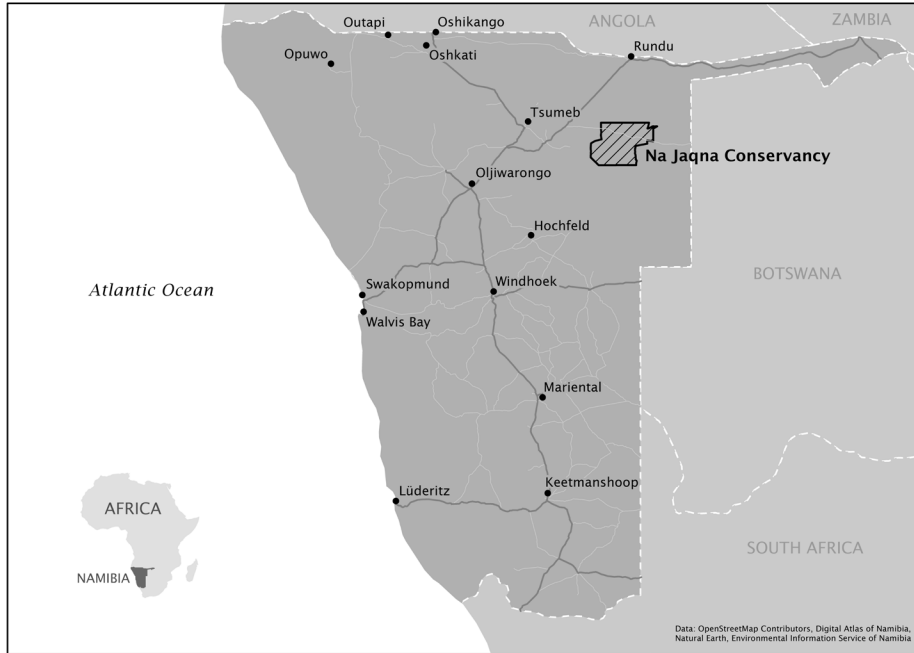


Fig. 1.1: Namibia and the Nǀa Jaqna Conservancy

NRM, as a prism through which to further understand the challenges, constraints, and opportunities facing the San of the “New Namibia.”

There is well-established literature that focuses on the economic and conservation potential of CBNRM. As a point of departure, this work will elucidate the relationship between the establishment of CBNRM institutions and the formulation, pursuit, and operationalization of rights and claims to land and resources made by indigenous groups in the context of increasing land and resource competition which characterizes Namibia today. Focusing on the experiences of the membership and residents of the largest San-governed Conservancy in Namibia, the relationship between the establishment of the Nǀa Jaqna Conservancy, localized resource governance, and claims to land and resource rights made by the San will be explored. This will entail a critical reading or unravelling of the various positions, San, Non-San, governmental, non-governmental, those portrayed by the media, and those of an academic nature, on the situation of the San in the former Bushmanland and their interactions with, and shaping of, CBNRM and other social and political processes.

The experiences of the peoples of Nǀa Jaqna will be highlighted in order to examine the intended and unintended impacts of CBNRM, as well as its potential utility for the San in meeting individual and collective goals. We will also explore these experiences in order to generate further understanding of the situation of the San of Namibia in the context of the

complex and fluid environment within which the struggle for rights to land and resources is played out.

The Nǀa Jaqna Conservancy has been successful in fostering conservation of game and other natural resources and economic diversification in the area. However, for the San of Nǀa Jaqna, CBNRM is about much more than conservation of state-owned resources or economic diversification of rural livelihoods. The establishment of CBNRM institutions, in predominantly San communities of Tsumkwe West, have served to aggravate pre-existing tensions regarding land and resource rights and have brought forward new problems for the San. The Conservancy has served as a theatre for increasingly numerous and complex rights claims asserted by the state, as well as by San-speaking and non-San speaking persons or groups within the Conservancy. However, at the same time, engagement with the CBNRM framework has provided opportunities for the San. It has allowed the San to collectively identify developmental objectives and priorities and to deepen understanding of, and take action to meet, challenges and potential threats in the pursuit of land and resource rights on the basis of which they can better their socio-economic and political position in Namibia.

The San in Namibia

This section and those that follow will present in turn important themes that will be explored in this work. The aim of these sections is to introduce the reader to the contours of this study and to outline a framework for the chapters that follow. The first of these themes is that of the status of the various cultural and linguistic groupings of San-speakers who live in Namibia.

After gaining full independence from the South African apartheid regime in 1989, Namibia emerged between 1990 and 1998 as what was hailed by many observers as the most successful democracy in sub-Saharan Africa. It was during this period that I, as an undergraduate student, became familiar with Southern Africa and was drawn to what was being touted as a new model for democracy on the continent. The South West African People's Organization (SWAPO) is the former liberation party that fought and won a long political and military battle to gain independence from the South African apartheid regime, and the party that has governed Namibia since independence. While some social services were reduced at independence due to the ending of South African subsidies, the government has been able to build a stable country. They have done so through taking advantage of international donor support that was particularly abundant during the early part of the 1990's, a time when development agencies and foreign governments considered Namibia to be a favorable country for investment. Since then, the hold of democracy in Namibia has come

to be questioned by many, myself included, as the government has progressively tightened its grip on the state (Friedman 2011 51). This study will explore the forms of Namibian democracy and its functioning in Nǀa Jaqna. San (re)shaping of democratic institutions and appeal to democratic principles and sensibilities in the making of rights claims will form a path of inquiry pursued herein.

The Namibian Constitution guarantees rights to equality and affirmative action to empower those who were “previously disadvantaged” under successive German and South African regimes. Further, it requires the state to “encourage the mass of the population... to influence government policy by debating its decision” (ILO 2008 20). Despite such constitutional rights, we will see that the San of Nǀa Jaqna have had to struggle to engage in a meaningful debate with the national government in relation to the management of lands and resources upon which they rely for physical and cultural (re)production.

Today, state authority is strongly entrenched, based on its ability to perform as a fair and effective bureaucracy that has maintained wide-spread political support (ibid.). The authority of the state has at times been challenged by a largely independent media and autonomous human rights organizations while at the same time it has gained strength from the fact that Namibia plays host to a relatively weak civil society. One observer has captured what many experience as Namibian reality:

It is as if the Namibian reality is a dual one: the foreground presents the observer with a constitutionally instituted reality which would appear to be functioning smoothly, while in the background, we see a completely different social reality, having its own rules with an intermediate level marked by a certain opaqueness, a sense of “blurring,” a “vacuum”... We have here a situation in which observers and actors alike ask themselves which of the two realities will finally emerge to shape the other. (Diener and Graefe 2001 327)

This study will take the reader underneath the shiny veneer of the Namibian state onto the field in which the San of Nǀa Jaqna operate, take action, are acted upon, (re)act and reform. Relying heavily on observations and insights of the San themselves, I will explore how the implementation of the Conservancy has become the focal point of state-San relations, San non-San relations, assertions, counter assertions, as the past, the present, the global and local interact, are defined and redefined, produced and reproduced.

Namibia inherited many structural inequalities from the apartheid regime at independence. The government has proven to be slow in addressing these inequalities. Namibia is still one of the most economically polarized countries in the world. A small white minority and several international mining interests continue to dominate the domestic economy (Friedman 2011 49). The neo-liberal orientation of state policies and institutions has guided ongoing

ing policy and reform initiatives. The liberalization of the economy has further exacerbated the economic impacts of colonial legacies. The economic gains that have been made since independence have largely been accrued by the country's new political and economic elite. It is in this context of competition for scarce resources that the San of Nǀa Jaqna have laid claims and countered claims to land and resources as a basis for realization of collective goals.

In a society marked by inequality, the San have suffered economic and political marginalization and discrimination at the hands of their fellow Namibians. Having the lowest rates of literacy (at below 25 percent) in a country where the literacy mean is around 66 percent, the San also struggle to gain access to health services with the vast majority living great distances from government health facilities (ILO 2008 6). San-speaking members of Nǀa Jaqna shared with me the commonly held sentiment that despite the rhetoric and expectations that came along with independence, they had been largely excluded from the benefits of independence. Many bemoaned their social, economic and political position vis-à-vis other tribal or linguistic groupings and consistently expressed a desire to be included to a greater extent in decision-making at all levels of government. They spoke of how they wished to set their own priorities and processes for development and to overcome marginalization that many said they experience in every aspect of their lives.

Recognizing this marginalization and following the views of other observers of the Namibian context (Hohmann 2003; Friedman 2011), I wish to assert that the relationship between the San of Nǀa Jaqna and the nation-state and the larger society that encompass them is one that is characterized not simply by passive victimization of the San, but rather one in which the San influence and shape the state while at the same time being shaped and influenced by the state. Indeed, state division of Namibia is less rigid than the model presented by Mamdani (1996). One observer has called the bifurcation of the Namibian state "blurry" (Friedman 2011 230). Mortimore (2005) has recognized that Africans navigate a diverse number of socially and historically specific stations. He positions asymmetrical workings of power that generate gross inequalities against the fact that many groups have demonstrated a resilience and resistance that has produced positive results (see also: Homewood, Krisjanson, and Chenevix Trench 2009 15). From the ethnographic viewpoint of this thesis, I will show how the San of Nǀa Jaqna navigate asymmetries of power and rights and how local and national sources of power infuse each other and are mutually constituting. Furthermore, I will demonstrate how the Namibian state works to penetrate Nǀa Jaqna but also how Nǀa Jaqna has penetrated the state. The extent to which national and international discourses have affected Nǀa Jaqna will be set against the impact by Nǀa Jaqna and its membership on the same national and international discourses and debates. In the Namibian context, the state is largely absent from rural communal areas such as Nǀa Jaqna. This partial infiltration

works to uphold existing power relations and poverty. At the same time, it allows a degree of local autonomy for the functioning of customary institutions and reinvention of traditions and space from which the state can be contested. While government supported initiatives such as the establishment of Nǀa Jaqna can be seen as attempts by the state to further exert control over and to better “see” (Scott 1998) rural environments and peoples, it has also provided an arena in which “forms of agencies unfold” (Mitchell and Richmond 2011 327). I will show how the implementation of the Conservancy in Nǀa Jaqna, with the support of the Ministry of Environment and Tourism, created space for the San of the Conservancy to assert their rights to land and resources while countering the claims of others (including the state), and to locally define development paths in new, unintentional, unforeseen ways.

The examination of the relationship between the San of Nǀa Jaqna and the state carried out in this work is rooted in what can be understood as the margins of Namibian society. Friedman (2011) points out that such a viewpoint provides some conceptual advantages. It allows this work to counter a tendency to put the state at the center of study and to privilege understandings of the relationship of the state with its citizens held by policy makers and academics.

State-centric conceptions promote a narrow view of state authority as emerging from the capital. By situating this study on the margins, I challenge common assumptions of state power. From the vantage point of the Nǀa Jaqna Conservancy, I consider the ways in which the membership negotiates and (re)shapes authority as well as debates and discourses emanating from the center. Geographically distant or isolated locations such as Nǀa Jaqna are often viewed by those at the center to be economically insignificant, and the people residing in these locations, such as the San, can be viewed as lacking political efficacy. Such situations give rise to a general lack of knowledge of margins held by those at the center and a lack of knowledge of the center held by those at the margins of society. Marginalization thus creates imagining and imaginations that are then acted upon by those at the center and margins alike. Such imagining becomes an element of the process of governing. The perceived irrelevance of the area of Nǀa Jaqna by those at the center has led to a tendency on the part of the government to deploy relatively few resources there. The partial penetration of the state in the Conservancy area has limited government control and the rhetoric of state power is challenged from the margins. The contribution of this study and others situated in the margins can be summed up thusly: “...an anthropology of the margins offers a unique perspective to the understanding of the state not because it captures exotic practices but because it suggests that such margins are a necessary element of the state as much as the exception is a necessary component of the rule” (Friedman 2011 16). From the vantage point of Nǀa Jaqna, we are able to see how the membership deploys these imaginings of the margins/center to impact discourses and debates from the margins.

The San and CBNRM

CBNRM has emerged as a predominant institutional form in which rural development is pursued in the Communal areas of Namibia, based on legislation and policy situated in a plural legal order. Such legal plurality presents limitations and navigational challenges for local resource users, yet it can also create a variety of procedural avenues to pursue; where claims to rights and resources can be based on differing rule systems that may be played against one another (von Benda-Beckmann, von Benda-Beckmann, and Wiber 2006 19). In evoking the principal of sidetracking, Olivier de Sardan (2005) points out that the motivation for the adoption of a government intervention such as CBNRM by potential target populations is often at odds with the motivations of those that propose them. Olivier de Sardan (2005 207) asserts that “Sidetracking is a normal phenomenon which cannot, in fact be eliminated. It is the necessary and unintentional outcome of the intermingling of the complex variables involved in the reaction of a social milieu in the face of an external intervention.” The extent to which sidetracking has occurred in Nǀa Jaqna will be explored as opportunities presented are acted upon and aligned to the local objectives.

San engagement with CBNRM as part of daily life in Nǀa Jaqna has given rise to a particular form of CBNRM praxis. At times these practices have built on the CBNRM program as emanating from government centers and at others said program is resisted and reformed. Some groups have sought to question and attack this local form of CBNRM by positioning it as an impediment to national programs of CBNRM and land reform. However, this work presents the praxis of CBNRM in Nǀa Jaqna not as an impediment to national programs to be ameliorated, but, rather, as an element of a political process that is constitutive in nature. The form and practice of CBNRM in the Conservancy is an important source of critique which demonstrates alternative ways of CBNRM that have emerged in response to local needs and aspirations. The findings of this study affirm that localized practices of CBNRM are sometimes at odds with the intentions for, or conceptions of, the national CBNRM program at the center, yet they will not necessarily lead to a weakened state or “fussy forms of sovereignty” (Richmond and Mitchell 2011 339), as asserted at times by government officials, non-member interests in the land and resources of the Conservancy and local detractors. Rather, the process of establishment and implementation of CBNRM in the Conservancy has allowed San members to adopt and modify local and international practices and discourses and norms of CBNRM in exerting critical agency that aims at a locally legitimate arrangement that contributes to a stable state.

An ever expanding global literature has now firmly questioned the potential of CBNRM to generate tangible and significant benefits for local resource users and other participants. This study makes a critical contribution to this literature and highlights potential political

and social benefits of participation in CBNRM alongside the much examined economic and environmental aspects of such programs.

The establishment of Nṭa Jaqna has transformed the Conservancy environment into a form of protected area. As such, this study pursues a common anthropological interest in environmentalism and the social effects of protected areas. This recent disciplinary turn is reflective of the great increase in the complexity and extent of protected areas around the world. Protected areas have increasingly come to be seen as important sites of social interaction and production and act as the means, both material and discursive, by which the institutions, practices and discourses of conservation and development reshape natural and human environments (West, Igoe, and Brockington 2006 252-257). In this study, the landscape of Nṭa Jaqna is understood as an arena in which various conceptions of and claims on land and resources co-exist and clash as part of a web of processes that shape and reshape Nṭa Jaqna. It seeks to make a contribution to a growing body of research on CBNRM that is concerned with situations in which social actors operate, interact, debate and compete over resources, interests and understandings.

The San and Development

CBNRM in Nṭa Jaqna is linked by local and non-local actors to a process that is often termed development. This work will examine the content of and flow of discourses on development into, from, through and past Nṭa Jaqna. This study seeks to explore an arena in which multiple voices weave their ways through complex, multilayered debates. This work supports the contention of Friedman (2006), in calling for a need to search for discourses of development that are generated by multiple rather than a singular set of actors. This study deploys an understanding of discourse not as a product of development but rather a product of the San and non-San actors' engagement with the Conservancy. It positions the membership of Nṭa Jaqna not as simply marginalized from local, national and international debates but as possessing agency in the development process. As conceptualized here, agency is wielded with both success and failure by the Conservancy membership in Nṭa Jaqna.

This work seeks to engage with development not only as rhetoric but also as practice. It moves beyond questions related to how development projects work and considers how success and failure is produced by the San of Nṭa Jaqna and the myriad of other actors who fill the chapters that follow. CBNRM and development are not solely objects of enquiry in this study but also avenues through which to examine the actions and reactions of the San in Nṭa Jaqna as they pursue individual and collective goals. CBNRM and development are utilized and understood here as pathways into an ethnographic account that privileges the

conceptions and practices of a variety of actors in Nǀa Jaqna and the contexts in which these are played out. Such a treatment of development does not imply that development as an object of inquiry has been discarded; rather it is integrated as one element among others in the emerging realities of Nǀa Jaqna. An approach such as this situates the social facts of development within an analysis that also deals with localized forms of resource governance, strategic claim making, and local, national and international movement of ideas and forms of capital.

The San and Land Reform

At independence, the new Namibian government inherited an extremely skewed, racialized distribution of land. Over 50 percent of arable land remained largely in the hands of white Namibians as individually owned farms in what are referred to as “commercial lands.” Around ten percent of land is considered state-owned protected areas of various types. Around 40 percent of the land is classified as communal areas where the majority of Namibians live in often crowded conditions characterized by high competition for resources.

Governmental efforts to redistribute lands out of hands of white Namibians to what are referred to as “previously disadvantaged Namibians,” despite strong rhetoric, has been extremely slow. Since the early 1990s, the San in communal areas of what is now the Nǀa Jaqna Conservancy have witnessed an influx of people from other communal areas to the south and west of the Conservancy into Nǀa Jaqna. These migrants are often as poor as local San groups and have been looking throughout the communal areas of the country for lands on which to settle their families and their livestock. Being barred from settlement in the commercial areas of the country, these landless newcomers and their livestock come into competition with the San for access to and control over scarce water resources of an already weakened resource base in the Conservancy area. Local unrest over illegal grabbing and occupation of lands increased in an atmosphere that has been described by others as a “free-for-all” (Bieseke and Hitchcock 2010 147). Indeed, when I first arrived in what was to become Nǀa Jaqna in 2003, I came to describe this context as akin to how I imagined the Wild West. The influx of newcomers to the Conservancy area led to fierce debates and disputes related to belonging and place-based rights. In this way the residents of Nǀa Jaqna can be viewed as linked to:

A striking aspect of recent developments in Africa, that democratization seems to trigger a general obsession with autochthony and ethnic citizenship invariably defined against “stranger”—that is, against all of those “who do not really belong.” Thus, politi-

cal liberalization leads, somewhat paradoxically, to an intensification of the politics of belonging, fierce debates on who belongs where, violent exclusions of “strangers.” (Quoted in Friedman 2011b 227)

It was in this context that the Chairperson of the Conservancy spoke of a desire to use the Conservancy structures as a tool for the San to regain control and impose order over the land and resources of the Conservancy during the inauguration discussed above. Throughout this study, I will document a strong and active will amongst the San of Nǀa Jaqna to re-establish control of local resources in new and sometimes novel ways. One of their primary goals in establishing the Conservancy was not simply to benefit economically from natural resources but also to establish and/or strengthen an economic, social, and political base from which to pursue a path towards developmental goals on terms acceptable to local residents.

Land hungry Namibians from other communal areas are not the only source of stress on the land and resource base of the Conservancy. The failure of the National Land Reform Program to transfer land from white farmers to previously disadvantaged Namibians via government purchase and subsequent redistribution of land in the commercial areas of the country motivated the government to seek what it terms “underutilized lands” in the communal areas of the country. Nǀa Jaqna now faces a claim to approximately one third of the Conservancy, areas that the government has announced will be converted into individually controlled, fenced-in “farms” as part of the National Land Reform Program. This is a proposal that is strongly rejected by the vast majority of Conservancy membership. During the same period, a number of profit and not for profit interests have succeeded to varying degrees in gaining private control over formally communally held resources of the Conservancy. This situation has not gone unnoticed outside of Namibia, as demonstrated by the recent report of the United Nations Special Rapporteur on the Rights of Indigenous Peoples’ which, while affirming the right of the San to secure rights over lands and resources, described San land tenure in the communal lands of Namibia and within Conservancy areas as “all too vulnerable....a problem that apparently is worsening without an adequate response from the state” (Anaya 2012 1). As landless Namibians, commercial interests and the government lay claim to the lands of Nǀa Jaqna, the Conservancy and its leadership have found themselves at the confluence of national processes and debates related to land and the Land Reform Program. This study will explore how these processes, associated debates and discursive constructions have impacted, been negotiated and (re)shaped by the San of Nǀa Jaqna through their efforts to safeguard access to and control over land and resources.

The San and Indigenous Rights

The San of Nǀa Jaqna have come to see themselves as indigenous citizens of Namibia. There is widespread agreement inside and outside of Namibia that the various San groups residing in Namibia meet the criteria set out by international bodies to establish indigeneity (ILO 2008 3). Most Namibians recognize the San as being indigenous. However, what such a designation means and what rights and obligations are attached to it is far from agreed upon and is a contentious and complex issue. Namibia, having signed the United Nations Declaration on the Rights of Indigenous Peoples, has come under increasing international criticism for not living up to its obligations to its indigenous peoples, including the various San groups in the country. Despite having formal rights to participate in decisions that affect them, Namibian San have had great difficulty in influencing national issues. For their part, the Namibian government has maintained that in an independent Namibia, all people are indigenous and have not taken any significant steps to recognize additional rights for any one group based on an indigenous identity.

The African Commission on Human and Peoples' Rights has recognized some of these difficulties and expressed concern over the level of support afforded to indigenous peoples' rights to land and referred to Namibian legislation as falling "well below minimum standards for the protection of the rights of Indigenous people to land" (ILO 2008 4). More recently, the Special Rapporteur on the Rights of Indigenous Peoples reported after an official visit to Namibia that he "detected a lack of coherent Government policy that assigns a positive value to the distinctive identities and practices of their Indigenous peoples, or that promotes their ability to survive as a people with their distinct cultures intact in the fullest sense" (Anaya 2012 2). In this study, we will see how the San of Nǀa Jaqna have attempted to engage with government policy in attempts to ensure their physical and cultural survival and how inconsistent and sometimes contradictory government policies have been navigated, (re)interpreted and influenced by the San from within Nǀa Jaqna. At a time when governments all over the world, including the Canadian government, are attempting to confine and contain the expression and operation of indigenous rights, the San of Nǀa Jaqna have joined a global movement of indigenous groups, who are asserting indigenous rights to land in the contexts of government attempts to open up indigenous lands and resources to exploitation (Bieseke and Hitchcock 2010). Many studies have taken as their focus the various ways in which policy driven initiatives have negatively impacted indigenous peoples across the globe. Fewer have examined the deployment of local historical and social understandings on the part of indigenous peoples in response to governmental claims on land and resources and attempts at social, economic and environmental reconstruction (Stephen 2003 191). This study will focus on the manners in which the San of

Nǀa Jaqna deploy their own conceptions, understandings and claims, as well as incorporate, resist and redeploy those of others from the margins.

The San and Anthropology

I now turn towards a brief outline of anthropological engagement with the San of Southern Africa, paying particular attention to how the current study relates to early and later works from within the discipline. First, I examine the use of the term San in my study and in other research. The anthropological canon has played host to an on-going debate about appropriate terms for the various San groups in the region. The San of Nǀa Jaqna are commonly referred to as !Kung, in part due to the fact that the boundaries of the Conservancy roughly correspond to the derestriction of the government recognized !Kung Traditional Authority, which is presided over by a leader termed chief of the !Kung.

However, the term !Kung is the name of a language group. It primarily refers to the !Xun people some of whom now live in the Nǀa Jaqna Conservancy (Biesele and Hitchcock 2010 5). The Conservancy also plays hosts to San peoples who call themselves Ju'hoan, Vasekele, Mpungu, and Hai||om respectively. Identifying and using a common name for all of these groups is a complex matter.

As pointed out by Suzman (2001), attempts to identify a social category of the people who have been called San are problematic. This category of “San” or “Bushman” was imposed from outside onto indigenous groups in Southern Africa at the time of the movement of Bantu speaking groups into the area around 400 AD and the influx of white settler populations that followed in the later part of the 1900s. Prior to the late 1960s, the most commonly used general term was that of Bushmen. The use of this pejorative term signaled the homogenization of many groups based on an image developed by colonizers (Hamma and Sixtensson 2005 78). In the late 1960s, scholars began to replace the term Bushmen and its pejorative connotations with what they understood as a less pejorative and more appropriately neutral term, “San.” However, the term San is not without its negative connotations. In 1997, a group of San leaders from across the region backed the adoption of the term San to refer to themselves and their various cultural and linguistic groupings. Since that time, academics have largely followed suit in solidarity with the decision made by San leaders themselves. Recognizing the problematic nature of all of these terms, I will use the terms San or the San, or San-speaking. My reasons for doing so are that this is the term most commonly used by my informants in Nǀa Jaqna and is the term that is used by the Conservancy in official and casual communications with non-San persons, groups, and institutions. I will also use terms such as Ju'hoan, Hai||om and other terms for the various

cultural and linguistic groups that call Nǀa Jaqna home as appropriate and as used by Conservancy members themselves. The term Bushman or Bushmen also appears in this text and refers to deployment of these terms in statements made by various actors in both historical and contemporary times that I reference in this text.

The San of Southern Africa have been the targets of myth making, as their identities have been shaped by themselves as well as anthropologists, filmmakers, non-governmental organizations, and policy-makers. Ethnic stereotypes of the San have limited their own efforts to define and manage a San identity (Hitchcock 2012 82). Recently, ethnographers have joined conservationists and indigenous rights advocates in portraying a positive image of the San. However, the idealization of the Bushmen as noble savages living close to nature, as portrayed in the writings of Europeans (Van der Post 1961; Van der Post 1958) or Hollywood films such as *The Gods Must be Crazy* (N!xau 2004), continues to be held by some westerners who visit Namibia in pursuit of the mythical Bushmen (Lee and Hitchcock 2001 260). While recognizing the historical connection of the San to a hunting and gathering adaptation, as well as the contemporary cultural and caloric importance of hunting and gathering for many San, this work demonstrates that the diversity of San experience and reality does not fit with a reductionist or racialized conception of San identity.

The Ju'hoan San of the Nyae Nyae region, which borders Nǀa Jaqna to the east, are one of the most commonly described peoples in all of anthropology. Writings and films have generated detailed information on their traditional life ways. Interest in Ju'hoan groups of San who reside in Namibia and Botswana extends over the past 50 years. This interest has led to the Nyae Nyae Ju'hoansi becoming one of Southern Africa's most studied indigenous peoples. The work of Richard Lee with the San of the Dobe region has been said to have positioned the Ju'hoansi as one of a limited "group of ethnographic cases (including the Trobriand Islanders, the Nuer etc.) that have provided the stimulus for important anthropological theorizing, debate and restudy" (Solway 2003 6). Since the 1950s anthropologists and non-governmental organizations have documented continuity and change in Ju'hoan society (Bieseke and Hitchcock 2010 7). Many of the studies carried out in the Nyae Nyae area of Namibia and Botswana during the 50s and 60s focused on the lives of San who it was observed were still able to practice hunting and gathering with a degree of autonomy and self-sufficiency. During this same period, much less has been documented of the lives of the various San groups who now call Nǀa Jaqna home. This has been attributed to the fact that many of these San were brought to the area as a result of a disruptive civil war in Angola and Northern Namibia since the middle of the 1970s. As identified by Botelle and Rhode (1995), in contrast to the large amount of anthropological documentation of the San of the Nyae Nyae area, studies that have examined the more recent history of Tsumkwe District West, that

plays host to the Nǀa Jaqna Conservancy, have generally been lacking in scope and number. This study represents a concerted effort to fill a gap in the anthropological literature related to the people and environment of what is now the Nǀa Jaqna Conservancy. In addition, it presents a form of institutional history of the Nǀa Jaqna Conservancy.

By the 1970s and into the 1990s, the San of Namibia and Botswana were at the center of one of the most significant debates in Anthropology that played itself out in several anthropological publications and is commonly referred to as the Great Kalahari Debate. This debate centered on questions related to the extent that the San were an isolated population of hunter gatherers living in a degree of isolation that allowed them to represent aspects of a common human prehistoric past, or, as others would have it, were members of an underclass in various stages of encapsulation by a global economic order (Solway and Lee 1990; Wilmsen and Denbow 1990). One extreme position held by what is termed the traditionalist camp, most commonly associated with Richard Lee, was the idea that the living San represented many important aspects of a common history of the vast majority of human life (Lee 1979). On the other side of the debate were those, led by Edwin Wilmsen, who held what has been termed a revisionist view. This view was that the San are elements of a larger society left over after the collapse of the mercantile capitalist order (Wilmsen 1989). As the debate played out, the traditionalists insisted that their claims, unlike those of the revisionists, were supported by valid data while Wilmsen claimed that the debate “is not about empirical errors...but about...how anthropology constructs its knowledge claims” (Wilmsen 1993 720).

The lively exchanges that characterized the Great Kalahari Debate were exciting for many anthropologists. However, as time has moved forward it has lost much of its allure for anthropologists concerned with the San and their current situations. Many scholars have moved beyond to focus on, as this work does, the complex and changing nature of histories of hunter gatherer societies such as those of the San and to discard perpetual equilibrium models of “simple societies” (Myers 1988 262). In emphasizing recent San adaptations to contemporary social, economic, political and environmental forces at play in the Conservancy, the agency of the San of Nǀa Jaqna is given space not afforded by the traditionalist or revisionists paradigms once so fiercely defended by anthropologists (Hohmann 2003 16).

This work joins others, most notably that by Biesele and Hitchcock (2010), in presenting an ethnographic account of a Conservancy peopled by contemporary San who have made their history and continue to shape their present and future as active participants with lively and diverse understandings, actions, and words. This study represents an attempt to give the San of Nǀa Jaqna a platform from which to express themselves in relation to contemporary processes that are driving social, economic, environmental, and political change in the places that they call home. In examining the establishment of the Nǀa Jaqna Conservancy

and in exploring San efforts aimed at safeguarding existing access to land and resources and claim making on the part of the San in Nǀa Jaqna, this work challenges images imposed on them as noble savages or hapless victims of global and local processes and power plays. After providing necessary historical information and an examination of the precursors of Conservancy formation, the establishment of the Conservancy through the years of approximately 1997-2010 is explored as a basis to understand how the San of Nǀa Jaqna have met challenges, seized opportunities, navigated and directed change as various understandings and visions of the past, present, and the future have played out in the Conservancy.

Positionality

Before moving on to a discussion of the methodologies employed in this study it is important to note my positionality vis-à-vis the Conservancy, Conservancy related activities, and the various peoples who now reside in the Nǀa Jaqna Conservancy. As the author of this study, I have held a number of positions and fulfilled a number of roles in the Nǀa Jaqna Conservancy. My relationship with what was to become Nǀa Jaqna began in 2003. After completing a Master's project related to the tensions surrounding the implementation of the national Land Reform Program in Namibia, with the assistance of an academic supervisor who had worked extensively with the San in Namibia, I contacted the Working Group of Indigenous Minorities in Southern Africa (WIMSA), a Regional San non-governmental organization active in Namibia, Botswana, South Africa and Angola, concerned with advocacy for and support of San human, indigenous, cultural, legal and resource rights. Eventually I was offered and accepted a role as an employee of WIMSA seconded to the Nǀa Jaqna Conservancy and based in Tsumkwe West to support the establishment of the Nǀa Jaqna Conservancy. I worked with WIMSA in Nǀa Jaqna for the first two years of the Conservancy's existence. I was directly involved as part of a team consisting of myself and a number of local San Conservancy Members in facilitating its establishment. In this role, I was part of a number of processes related to the establishment of Conservancy governance structures, and the creation of a Conservancy-wide Resource Zonation plan and the attendant Management and Utilization Plan that the government required of the Conservancy. I also authored the first five-year development plan for the Conservancy on the basis of consultations with Conservancy leadership, membership and the !Kung Traditional Authorities, as well as staff of WIMSA and other non-governmental organizations. This development plan formed the basis for a number of grant agreements between international donors and the Conservancy which helped to support Conservancy governance, participatory planning, various forms of training for the leadership and membership, and the establishment of Conservancy offices.

During this time, I was directly involved in every aspect of the Conservancy and its development. I had many labels during this time. I was an advocate for the San and their interests. I was also registered with the national government as a development consultant. All the while my actions and reactions were colored by academic training as an anthropologist, a student of development, and of indigenous peoples.

After living and working in Ntja Jaqna for two years, I left to take on another role as a PhD student focusing on the Conservancy at McGill University in Montreal, Quebec, Canada. This transition back to the academic world was prompted by local identification of the need for someone to document the rapid changes unfurling in Ntja Jaqna. Prior to leaving Ntja Jaqna and my post with WIMSA, the Conservancy leadership had formally approved my eventual return to the Conservancy to conduct doctoral fieldwork. From Montreal and on return visits to the Conservancy since 2007, I have taken on various additional roles with the Conservancy and WIMSA at their request and in addition to that the role of an anthropologist conducting doctoral research. My analysis of Conservancy related policy, processes, discourse and actions that follows places me within the very processes that are examined. Over the past 15 years plus, I have been a member of the communities that I describe; wearing various hats, I had a view from within, a view that is expressed here alongside of those expressed by San and non-San members of the Conservancy. As pointed out by Lewis and Mosse (2006 16), "Arguably, social processes are better understood from within." As organizations concerned with development have become increasingly less supportive of research that does not provide practical relevance, it has become increasingly difficult to sustain participant observation over longer periods of time without making a practical contribution, being a member of the community or having a certain status. My relationship to the people and institutions of Ntja Jaqna and some of their partners has provided to me an opportunity to conduct ethnographic analysis based on a level of access that would not have been otherwise possible. At the same time, my previous relationship to Ntja Jaqna and my work with those that supported the Conservancy formation, as well as WIMSA as an overtly San-focused organization, sometimes limited or made difficult reaching those who were suspicious of the intentions of the Conservancy or those that supported it. The various positions that I have held in relation to the Conservancy that this study examines could be viewed as a potential challenge to the objectivity of the data I present. However, I view these relationships as an advantage. It was through personal relationships with the people who are the subjects of this study that I was able to pursue understandings of the Conservancy and its membership from various angles and the different perspectives generated by local and non-local stakeholders, governmental institutions, and development agencies. I wish to move beyond outdated conceptions of objectivity and the need to conceal relationships to the field or object of study.

Methodology

This study takes as its focus the Nǃa Jaqna Conservancy located in what is known as Tsumkwe District West, Otjozondjupa Region, in the North-East of Namibia. While much of the research that acts as a basis for this study was conducted in the approximately 21 settlements located throughout the more than 10,000 square kilometer area of the Conservancy, the “field” for this study necessarily includes extra-local actors and interventions into the Conservancy area by non-local actors. The attention given to these extra-local groups, institutions and their discourses, ideas and actions has led to a broad-scale analysis of what Olivier de Sardan (2005 15) refers to as “transversal logics of action.” Namibian-based research for this project was conducted over a short two month visit in the summer of 2007, more than a year of residency in the Conservancy in 2007-2008 and a two month long follow-up visit at the end of 2009. For this study a number of methods were employed.

The primary method deployed in the production of this text was that of participant observation conducted over 17 months, spanning a number of years in the Conservancy and other urban areas of Namibia. CBNRM and/or Conservancy activities are difficult to observe via the actions and practices of people alone. As pointed out by Friedman (2011), the utterances and representations of people become an important element of an ethnographic account. As such, much of what constitutes my field data is derived from informal conversations and has been shaped by what people said directly to me and what was said by others in my presence. English being the official language of Namibia, I had the fortune to speak directly with many people in my mother tongue. My attempts at learning !Kung fell short of allowing me to converse in a meaningful way with others who spoke the language. I was far more successful in learning Afrikaans which was a common language of communication between members of various San and non-San speaking groups and some officials. Official Conservancy written communications were conducted in English and meetings were conducted primarily in the official language with translation into other locally understood languages as appropriate. Most meetings included statements made in English, Afrikaans and at least one San language and perhaps one or more Bantu languages, such as Otjiherero, which were skillfully translated by local Conservancy leaders or members. The fact that in most contexts at least one party to a conversation did not fully understand the language spoken by another was a regular constraint to communication and is a limitation of the findings of this study that I openly acknowledge. When respondent’s words are directly quoted and have been at least partially translated into English, they appear in italics.

Another limitation of my findings are the motivations (usually hidden from plain view) of those that interacted with me and the ways in which these various motivations colored our interactions with one another. Some people inevitably saw me as a potential source of

economic gain or as a representative of the very Conservancy that I had come to study, as someone who had the power to positively impact their lives through employment or as a gate keeper to employment in the various organizations that I was affiliated with at various times in Namibia. Another inescapable fact was that this research was conducted in a still racialized, post-apartheid context in which my skin color carried with it significance; despite the understandings of myself and those of my friends and colleagues, I was not able to fully escape my own whiteness. During research I lived in the village of Mangetti Dune, which hosts the head office of the Conservancy. I often traveled to other villages in Conservancy vehicles with Conservancy staff. This fact coupled with my own direct involvement with the establishment and governance activities of the Conservancy and the roles played by one of my field assistants as a Conservancy leader may have influenced the representations, utterances, and reactions of some of my respondents. While such a situation may have biased some in favor of the Conservancy, many respondents openly expressed a desire to contribute to the study as a means of expressing their dissenting and negative views of their experiences of the Conservancy.

Within these limitations, I was able to participate directly in and observe many of the processes that are described in the coming pages. Informal conservation was augmented by direct observation of and sometimes direct participation in some 141 Conservancy related meetings in Namibia and South Africa during the various periods of fieldwork for this study. My own notes and official minutes generated by the Conservancy related to these meetings have found their way into the pages of this book. These meetings covered some of the important fields where San and non-San understandings, discourses, claims and counterclaims, and representations were presented. The great extent of my access to these meetings has allowed important ideas and actions to be analyzed in what follows. Over 7000 pages of documents emanating from and through the Conservancy have also provided an important platform of analysis for this study. In addition, archival work was also carried out by me and one of my field assistants at the Namibian National Archives in Windhoek. This archival work generated an avenue through which to explore the history of the Conservancy area in the colonial and post-independence eras. Structured and semi-structured interviews were conducted in the Namibian capital of Windhoek and the regional capital of the Otjozondjupa region, Otjiwarongo, primarily with representatives of governmental and non-governmental organizations active in the Conservancy area. 127 semi structured interviews were conducted by me and two local San-speaking field assistants in the Conservancy area. These interviews generated demographic and livelihood data, as well as information related to attitudes towards the Conservancy and processes affecting the Conservancy, among other topics. For the purpose of these interviews, a random stratified sample was generated using

the Conservancy membership registry, which contained the names, sex, and location (primary village of residence) of the Conservancy membership. I visited all of the settlements in the Conservancy and interviewed male and female Conservancy members including at least two non-Conservancy members in each location.

Current and former Conservancy leaders were also specifically interviewed using an interview schedule with an additional set of questions for these leaders. Government and locally recognized members of the !Kung Traditional Authority were interviewed as well. Concerted efforts were made to interview proportionate numbers of respondents of both sexes and members of all language groups resident in the Conservancy using household and demographic data generated by a household-level survey conducted by the Conservancy in early 2007 (Nṭa Jaqna Conservancy and Welch 2008). I also sought out and interviewed at least one representative of all the governmental and non-governmental organizations that had a relationship with or presence in the Conservancy area. During interviews, those conducting the interviews (myself and at least one of the field assistants), introduced themselves and the purpose of the research: A study on the socio-economic impacts of the establishment of the Conservancy on the area and its residents. It was explained that participation was voluntary and confidential and that the interviews could be terminated by the respondent at any time. This resulted in some partial answers and/or refusals to answer questions. Non-responses did not cluster on any particular question or group of questions. During the course of fieldwork some respondents expressed a wish that their given names be associated with their contributions to this study and thus they were recorded. However, as the political climate shifted and tensions rose, the Conservancy leadership expressed a desire for the participation of individual Conservancy residents be kept confidential. Consequently, individual respondents are solely identified in the text by the respondent number assigned to them for the purpose of this study.

Individual interviews were coded in the field using a form of relational coding developed for this project. Individual interviews were assigned codes containing reference to institutional affiliations of the respondent, the village that the interview was conducted in or adjacent to, and the date on which the interview was conducted. Interviews and field notes contained reference to various groupings related to the functioning of the Conservancy. A "Code Book" containing 27 different codes corresponding to 27 different organizations related to Conservancy activities was developed. While such coding was helpful in the production of this text and the analysis of field data on which it is primarily based, it has been modified in the text of this book. In order to protect the anonymity of respondents as much as possible in the text, the interviews have now all been coded as R25 or "Conservancy Member." Hence, when content of these interviews is cited directly or indirectly in

the text that follows, it is cited as in the following example: (R.25-104, 06.06.08, Omatako, translated by F.G.). This interview was provided by the 104th respondent interviewed on June 6, 2008, at the village of Omatako and responses were translated by the field assistant with the name abbreviated as F.G. A separate "Interview Log" also contains additional information about the respondent, the time and duration of the interview and the context in which it was conducted. Interview questions were posed by me in English or Afrikaans and responses were given in the language of choice of the respondent. The interviews were recorded on a small hand-held device and were translated and transcribed by myself and the field assistant(s) at the first available opportunity (usually in the evening of the day or those following the interview). These interviews rarely lasted less than an hour but never more than 4 hours. Some coding of the interviews was done in the field with field assistants and other coding was carried out by me after returning from the field. Interview respondents were not monetarily compensated for participation but a small gift of food and common household consumables was given to each respondent at the conclusion of the interview.

Structure of Book

The current work unfolds in both thematic and chronological ways. It presents a number of themes encountered in the field. Some chapters are very chronological in nature as they explore the history of the Conservancy area. Others follow local developments in a chronological manner and connect these to global processes developing along various time frames and scales. The following is an outline of the individual chapters that make up the body of this work.

Chapter 2 explores the history of the Conservancy area from colonial times and the implications of this history for the various claims and counter claims to land and resources, and human and indigenous rights asserted in Nǀa Jaqna in recent times. This chapter also provides a history of the developmental interventions in the area that preceded and precipitated the establishment of the Nǀa Jaqna Conservancy. Chapter 3 focuses on the San of Namibia and their relationship with the global indigenous rights movement. It explores San attempts to claim rights on the basis of an indigenous identity in Namibia. Chapter 4 examines the CBNRM framework and discusses the Namibian Conservancy Program and critiques of such an approach to rural conservation and development. Chapter 5 explores the debates and actions that have given rise to a particular form of CBNRM in Nǀa Jaqna. Chapter 6 examines debates surrounding the National Land Reform Program in Namibia and San engagement with these debates. It also underscores a number of challenges that the implementation of this national program has presented the San of the Conservancy in

their attempts to pursue collective goals of gaining and protecting rights over, and access to, lands via the Conservancy structure. Chapter 7 focuses on claims and counterclaims to land in the Conservancy area on the part of the Government and other non-San groups. It explores a government claim to approximately one third of the land base of the Conservancy as part of the national Land Reform Program and how the Conservancy came to resist these claims. The chapter also examines the potential impacts of the implementation of the government's proposed redistribution of Conservancy lands on the people and environment of Nṭa Jaqna. It highlights how various views of the government's proposal have played out on the ground in the Conservancy and how the San of Nṭa Jaqna have shaped debates surrounding CBNRM and land reform in the country.

2 The San and Tsumkwe West

To see Zhu (Ju'l'hoan), and their fellow San speakers as astute political persons with competing economic goals and social strategies is to see them not as ahistorical residues of ancient foragers but as co-producers along with their Bantu speaking co-inhabitants, of a history that they helped to form. It is also to see them as real people, not as a category. (Wilmsen 1989 271)

Tsumkwe West has been, and to a certain extent continues to be, viewed by some as devoid of people. As outlined in the previous section on anthropological engagement with the San, academic and travel literature has dealt primarily with the history of the Ju'l'hoan peoples of the Nyae Nyae region. Far less has been written in regards to the experiences of Ju'l'hoan, Mpungu, Vasekele, and Hailom San of Tsumkwe District West due to the disruptive effects of the civil war in Angola and Northern Namibia since the mid 1970s (see Fig. 1.1, p. 4). While there are clear ties between the history of the people of Nyae Nyae and those who now make up the Nṭa Jaqna Conservancy (Barnard 1992; Bleek 1929; Eastermann 1976), it is important to explore the particular history of Tsumkwe District West, and the implications of this particular history for the claims to land, resources, and indigenous rights asserted by the San of Nṭa Jaqna today (Kossler 2007). As land and resource rights claims and counterclaims are at the core of current debates, challenges, and opportunities for the San of Nṭa Jaqna, it is necessary to establish who the current residents of the area are, where they came from, and the basis for historical or contemporary claims to customary or other forms of land and resource rights. The following section employs archival documents, academic accounts, government reports, and oral history to piece together some answers to these complicated questions which have recently taken on additional importance for the people of Na Jaqna. The causes of the present confusion regarding land and resource rights of local inhabitants of the Conservancy can only be understood through reference to the past.

The Land Before South African Presence

Prior to the arrival of colonial officials in the area, San were estimated to number 1200 Ju'l'hoan San before 1960 (Botelle and Rhode 1995 36) and they hunted and gathered in an extensive area which included what are today Tsumkwe District East, the eastern half of Tsumkwe District West, Kardom National Park in the Kavango Region to the north, and the Gam area to the south (see Fig. 2.1, p. 25). Tsumkwe District West, which hosts the

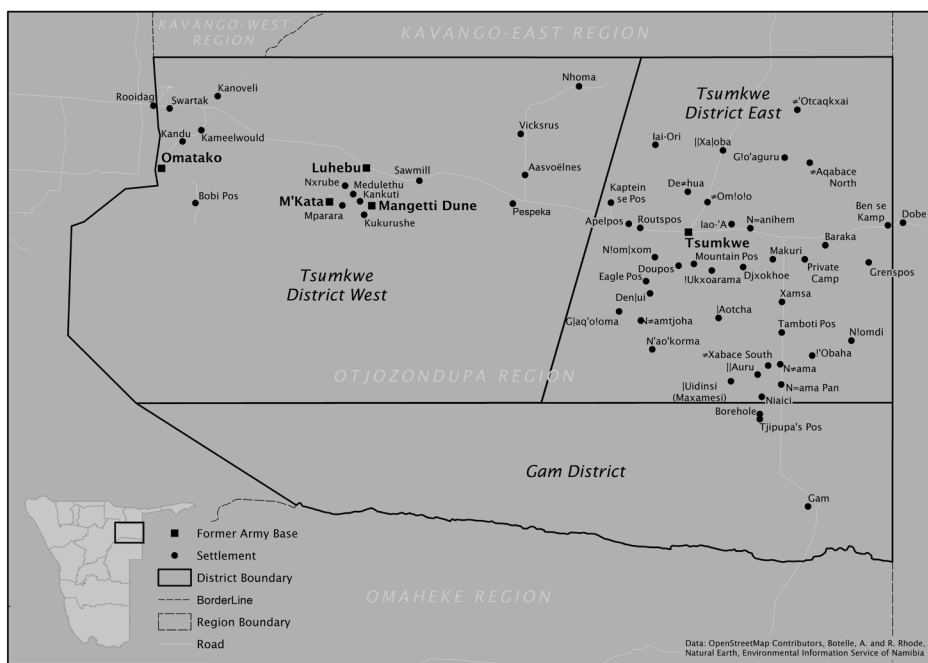


Fig. 2.1: Tsumkwe District East and West

Conservancy, remained largely uninhabited save for a hand full of Jul'hoan who periodically ventured west in search of veld foods or medicinal plants (Botelle and Rhode 1995). The Jul'hoan San that inhabited the area prior to the establishment of a colonial presence practiced the N!ore system of land management (Botelle and Rhode 1995 182). Anthropologists have paid particular attention to the complex workings of this system (Hitchcock 2003; Hitchcock 2004; Jacobsohn and Owen-Smith 2003; Lee 1984; Smith 2000; Tobias 1978; Wiessner 2003). It is important to note some of its most salient features, as it is on this system and on rights associated with this system, that many claims to customary rights are based. This system and its logic forms the foundation of the land and resource management scheme in place in the Conservancy, as tradition is reinvented to fill spaces created by the implementation of the CBNRM program in Nǀa Jaqna.

The Jul'hoan and other San groups had territories or N!oresi (N!ore singular.) My Vasekele and Mpungu (K!hwe) San informants told me that they practiced the N!ore system in Northern Namibia and Angola and brought the system with them to the Nǀa Jaqna area (see Krugmann 2001 for an account of Nharo San use of the N!ore system in the Omaheke Region of Namibia). A territory is a named unit of land that contains the natural resources that their users depend on in their daily lives. These resources would include, but are not

limited to, water, plants, shade trees, wood fuel, and materials used in construction and manufacturing of tools or crafts, as well as other products.

Hunting and gathering San are able to survive in their N!oresi as a result of the considerable number of animals that do not need to live in the vicinity of permanent water sources or migratory game and water-rich veld foods (Jacobsohn and Owen-Smith 2003 97). N!oresi do not have firm boundaries but do serve to regulate social rights and obligations associated with resource use. Individuals are affiliated to a particular N!ore by virtue of their birth, parental inheritance, or marriage.

The N!ore system contains two types of rights. The first of these is commonly referred to as N!ore rights to a bounded territory and the use of the resources in that territory. The second type of right is known as the right of Kxa!ho, that is the larger area of the Ju!hoan and all of the resources contained in this larger or encompassing area (Kxa!ho is a spatial unit that includes all of the Ju!hoan N!oresi). The right of Kxa!ho confers the right to drink the water found on the land. It confers the right of free travel throughout the land (particularly in times of drought), and to hunt and gather while moving through the territory. It also confers the right to shoot and follow game wounded by a hunter through any part of the land (Hitchcock 2001). The traditional leaders and managers of the land among the Ju!hoan where known as N!ore Kxausi and it is customary that people are supposed to ask permission from these leaders before entering someone else's N!ore (Hitchcock 2001 44). It was the N!ore Kxausi who were leaders and it is this set of leaders who would make decisions on the basis of community consensus (Marshall 1976 186–87). In this way, N!ore Kxausi differ from leaders among Bantu speaking groups that the San now find themselves among whose leadership is hierarchical in nature. The N!ore system has historical roots. It has also seen many (re)formulations as the San of the Conservancy area have adapted the system to the time and space that they have found themselves in. One of the historical processes that saw the N!ore system adapt was that of the arrival of formal South African administration in the area that now hosts the Conservancy.

The Arrival of the Commissioner

In 1833, Germans landed on the Atlantic coast of Namibia and a year later announced that they were going to annex the whole of South West Africa (Newlon 1978 118). At the beginning of the First World War, South African troops, supported by Britain, seized control of South West Africa from the German troops with their surrender on July 9, 1915 (Dale 2007 78; Dierks 1999 93), and imposed military rule for the duration of the war (Forrest 1993 89). The League of Nations came into being after the First World War and in 1920

formally decreed that South West Africa should not be left for grabs as spoils of the war. The League then devised an innovative governing device called "mandate." South West Africa became a Trust Territory of South Africa as the South Africans were granted a mandate over the area that is now known as the Republic of Namibia (Newlon 1978 119). It was Christmas, 1959 when the first Commissioner of Bushman Affairs, C. Y. McIntyre, arrived at Tsumkwe. According to historical accounts, local San residents in the area were then encouraged to settle in the village of Tsumkwe itself. The commissioner convinced San to settle in Tsumkwe with promises of health care, food rations, agricultural training and jobs. In the months and years following the arrival of the commissioner, Tsumkwe was an epicenter for several developments. A borehole was drilled to serve the newly settled inhabitants, agricultural fields were cleared and planted, the Dutch Reformed Church began ministering to the locals, a store and a police station were constructed, and a road accessible in all seasons was constructed, linking Tsumkwe to the agricultural service center of Grootfontein. From the arrival of the first commissioner in Tsumkwe until the creation of Bushmanland, development in the Conservancy area was dictated by the South African colonial power whose policies were executed by said commissioner with the support of government officials based in the town of Grootfontein (Botelle and Rhode 1995 42).

San who were present in the area during the tenure of the commissioner tell of a process of gravitation towards Tsumkwe as more and more friends and relatives passed through and settled there in search of employment or handouts. In the span of a handful of years, many San chose settlement at Tsumkwe as their best option. Several of my informants also asserted that they maintained connections to their N!ore in the face of the social turmoil caused by the movement into Tsumkwe as a permanent place of residence. As was confirmed by my informants, the presence of the commissioner in the area and the South African policy, which sought the settlement of San in and around Tsumkwe on a permanent basis, had many negative effects on the San. Perhaps the most significant of these was the increased dependence of the San on cash incomes, pensions, and handouts provided by the administration. As the cash economy grew, there was a decline in hunting and gathering as well as crop and livestock production (Suzman 2001 1). According to Hitchcock (1992), it can be argued that this dependency and the shift away from hunting and gathering resulted in the complete breakdown of the semi-subsistence economy of the San, at least in the short term.

In 1964, the Odendaal Commission Report was published which recommended the establishment of Homelands for non-white Namibians under the authority of what are referred to as second-tier authorities. Prior to the establishment of Bushmanland as a homeland, as envisioned by the Odendaal Commission, the area which now includes the Conservancy was first "set apart and reserved for the sole use and occupation of the Natives in 1968"

(Van der Bly 1992). As a result of the report of the Odendaal Commission gaining support among those tasked with the administration of what was then known as South West Africa, the Bushmanland homeland was eventually established with the issuance of Proclamation 208 of 1976. At that time, the President of South Africa stated that Bushmanland was “created for the exclusive use and occupation of the Bushman Nation” (Van der Bly 1992 66). Land under the control of the Ju’hoan San was ceded as a result of previous colonial government decisions related to the transfer of traditional San territories locally known as the Nyae Nyae region to the newly created Herero Land and Kavango regions. As a result of these decisions, after the creation of the Bushmanland homeland, the Ju’hoan lost their most productive hunting and gathering grounds (Wiessner 2003), and were left with about 30 percent of their original hunting and gathering territory as their activities were concentrated inside what became Eastern Bushmanland.

Also in 1976, Eastern Bushmanland was declared a nature conservation area by the colonialists. Their efforts to convert the area into a national park were successfully opposed by the Ju’hoan with the strong support of the founding members of the Nyae Nyae Development Foundation of Namibia (NNDNF). The attempted creation of the nature conservation area in the East resulted in a number of Ju’hoan being removed from their N!oresi. These people were resettled in what are now the communities of Aasvoelnes and N!ohma in what was to become the Nǀa Jaqna Conservancy.

Unlike the situation in other homelands created after the Odendaal Commission’s report, where second-tier authorities were given jurisdiction and control over the allocation of communal land and the power to establish tribal governments, no representative authority was ever established in Bushmanland. This was the result of a decision by the South African administration, clouded by the views of San or Bushmen as being at the bottom of a radicalized hierarchy, that the residents of Bushmanland had not reached a sufficient stage in their development to manage their own affairs. As a result of this decision, no chiefs or headmen were appointed or recognized as leaders in Bushmanland and until December of 1989 and Namibian independence from South African rule, a series of commissioners were given the power to administer the homeland.

It is important to note that the San themselves never claimed land for their own use to the exclusion of others and were not part of any negotiations concerning land ownership. Widlok (2000) convincingly argues that San speakers did share their land and resources with neighboring groups as this was of benefit to all parties. For the San, land ownership of an exclusive nature was not a crucial factor in terms of having access to important resources, water, bush food, and game (Dieckmann 2007 50). It is also important to point out that the establishment of Bushmanland marks a point of departure between the colonial experience

of those who found themselves within the new Bushmanland homeland and San outside of the area who saw the lands that they traditionally inhabited subsumed by homelands assigned to other ethnic groups or by commercial farming areas. At the time that Bushmanland was established less than three percent of all Namibian San (total population estimated at around 16,000 people) lived within its boundaries¹ (Suzman 2001 5). Sylvain (2002) has identified two very different historical experiences and processes of identity formation of the San in Namibia. She points out that for the approximately ten percent of Namibian San (Harring 2004 69), who reside in what are now Tsumkwe Districts East and West (including the Nǀja Jaqna Conservancy area), colonial apartheid regimes resulted in economic and political segregation as well as containment on a native reserve, an ethnic homeland where the San were able to maintain a hunting and gathering lifestyle until recent times. She refers to these San as the “segregated San.” For the other groups, those she refers to as “incorporated San,” living outside of the former homeland, colonization and apartheid involved a process of complete land dispossession and eventual incorporation into the “lowest stratum of a racialized and ethnically hierarchical class system” (Sylvain 2002 1079). As a result of these historical processes, the various San groups of Namibia now have different priorities in terms of navigating the issues and problems that they face in their daily lives.

Conflict and the Peopling of Tsumkwe West

Until the late 1970s, the Conservancy area remained largely uninhabited. The majority of those San who utilized resources in the Conservancy area maintained ties to Nǀloresi further eastward. The demographic situation in what is now Nǀja Jaqna underwent a dramatic shift in 1974 when the South African Defense Force (SADF) began to recruit San people into their force to fight the Namibian freedom fighters of the People’s Liberation Army of Namibia or PLAN, the armed wing of the South West Africa People’s Organization (SWAPO) (Lee and Hurlic 1982; Saunders 2007; Shubin 2007; Sylvain 2007). In 1978, several conflicts engulfed the region in fighting, SADF established what is known as Bushman Battalion 36 at Mangetti Dune (now host to the Head Office of the Nǀja Jaqna Conservancy). In 1980, seven smaller army camps were constructed in other parts of Bushmanland (see Fig. 2.1, p. 25) to protect the main base. San involvement with the SADF is a controversial issue in Namibia and the history of this involvement is commonly misunderstood or misrepresented by the SAWPO political leadership and non-San speaking Namibians as national reconciliation moves forward. According to Gordon (2000), the current relationship between the bulk

¹ For a wider discussion of the impacts of the colonial presence on the population of San in Namibia and their land base see Fordon (2000).

of Namibians (particularly those who support the SWAPO government) and the San deteriorated because of past San recruitment into the SADF. In addition, it is pointed out that “the high media profile enjoyed by Bushmen soldiers added to a common perception among black Namibians that all Bushmen were SADF traitors” (185). It is therefore necessary to give SADF penetration of the area particular attention.

According to Lee (1998), the San of the Tsumkwe Districts and the Angolan border areas were the most heavily militarized of all of Namibia’s ethnic groups. Militarization of the area began with the arrival of one SADF commander and 31 Vasekele San who served as the first contingent of Bushman Battalion soldiers. The number of San fighters stationed in Tsumkwe West would soon swell to 4000 Vasekele, Mpungu (K||hwe), and Hai||om San and their dependents (Botelle and Rhode 1995 19, 114). During fighting in pre-independence Angola, Vasekele soldiers were rounded up by the colonial government and placed under protection in the larger settlements of Southern Angola where they became unwitting targets of the resistance (Popular Movement for the Liberation of Angola (MPLA), National Front for the Liberation of Angola (FNLA), and National Union for the Total Independence of Angola (UNITA))². With the withdrawal of the Portuguese army from Angola in 1975, the Vasekele were moved to Namibia and taken in under the protection of the SADF and placed in border camps such as Rundu in the Kavango (north of the Conservancy) and Omega in the Caprivi (north-east of the Conservancy).

After 1974 and into the early 1980s, Mpungu and Hai||om, living in the Kavango region and Etosha basin respectively, were recruited into Battalion 36 and traveled from other parts of Namibia to join Vasekele soldiers in Bushmanland where they were employed as laborers and trackers (Coetzee 2007 15).

There is limited information available on how and why San recruits of the SADF made the choices that they did and the extent to which they were coerced into doing so (Taylor 2008a). This research suggests that most, if not all, ex-SADF combatants did not exercise free will when they joined the SADF. Some former SADF did not choose to join but instead were rounded up and coerced into joining. For others, the choice that was made was one of survival, not one of a political or ideological nature. The choice for survival is illustrated by the explanation of involvement with the SADF given by a respondent below:

R: In the beginning why we came here in Bushmanland was because before independence there was some wars and we have run away from the wars and come and stay here in Bushmanland because in the Kavango, at home, the war was nearby and almost it was so difficult for us to live. if you are staying in that area of the Kavango

² For more on the history of these movements and their relationship to the Namibian war of liberation see Gleijeses (2007).

and you do not have any identification documents then they could just take you and beat you and say that you are not from South West Africa and even they could take you to jail fucking fast. That is why we ran away from there and went and joined the SADF and joined the famous Bushman Battalion. Afterwards when we came back to our homes then again the SWAPOs (Supporters of the liberation movement) said that we were in the SADF and they were trying to kill use so we ran back here. (R25-9, 22.01.08, Mangetti Dune, translated by F.G.)

For others, the decision to join the SADF was economic, born of poverty and hunger. Many San recounted their experiences with displacement from other parts of the country or from across the border in Angola and their arrival into Nǃa Jaqna. Each respondent told a different story about their movement into what is now the Conservancy area. That being said, there are some elements of their experiences that tie one to another. Many people talked of feeling fearful of, and being confused by, the process of relocation, while at the same time being relieved to be brought out of the direct lines of fire along the Namibian-Angolan border to a new area that they perceived was safer than where they had found themselves previously. In the words of one respondent who was originally from the Kavango region:

R: During those days there was war...there was nothing like apply (applying to re-settled or to join the SADF), they (SADF members), just came with the trucks and collected the people and then brought them here. (R25-10, 22.01.08, Mangetti Dune, translated by F.G.)

Not all of the San who came to settle in Nǃa Jaqna came as a result of army recruitment outside of the area. Some San came into the area voluntarily as a result of push factors from other parts of the country. Many of these people came from white owned farms and came to the Conservancy area to escape abuse at the hands of the farm owners and joined the SADF out of economic necessity.

Others came from what is now Kardom National Park after its proclamation and the San saw their rights to lands and resources being strictly controlled by the colonial government (R25-86, 10.03.08, Aasvoleness, translated by F.G.).

Reflections of my informants on their lives during the South African military presence provide some interesting insights into their lives today. The homelands were set up as a result of international pressure on South Africa to loosen their hold on Namibia's people and resources under the apartheid system and as a result of the decision by the 1970 International Court of Justice that South Africa should end its occupation of Namibian territory (Higgins 1972 270). While no second-tier system of government was set up in Bushmanland, as had been done in other homelands where black Africans were brought in to rule the

most successful San entrepreneurs in Na ḽJaqna today are those who have applied skills and knowledge acquired in the military to improve their lives and those of their communities.

These positive recollections of personal history seem to conflict with the accounts of anthropologists working among the San at the time of the SADF presence and after. For them, the SADF presence was not positive but, rather, served to amplify many of the social problems that had arisen within the Tsumkwe settlement scheme established by the South Africans in the 1960s.

According to Marshall and Ritchie (1984), the San benefited little from their involvement with the SADF and came to be worse off than ever before in spite of the education, health, and other services offered to them by the SADF. Another problem associated with the SADF presence was that the relocation of San from other areas into Bushmanland resulted in tensions between the Ju'hoan who had settled in the Omatako area of the Conservancy prior to the militarization of Nḽa Jaqna and the newcomers. The Ju'hoan in particular, were disturbed by the presence of so many "strangers" in the area (Suzman 2001 42). Very few of my respondents complained about the treatment that they received from other SADF members. Sylvain (2007) notes, however, that when the San followed the SADF on their retreat to South Africa and addressed the South African Truth and Reconciliation Commission, they recounted stories of brutality and the forms of racism that they experienced in the military.

While the San who remained prefer to highlight the positive aspects of their involvement with the SADF, the nature of the apartheid system dictates that these ex-combatants may have experienced the same brutality and racism as their friends, relatives, and colleges who ended up across the border to the north. What is interesting to note is that my respondents overwhelmingly chose to paint the South African military presence in a positive light in order to draw attention to their current poverty, hunger, and unemployment. This assertion also points to the poor structural, political, social, and economic position from which they, the San, now fight for their rights to land, resources, and development.

For the San who were brought to the Nḽa Jaqna area during the years of SADF presence, the move facilitated a partial breaking of ties to ancestral lands in the Caprivi and Kavango regions of Namibia and Southern Angola. My evidence suggests that similar ties to the lands of the Conservancy have been re-established after the migration of Vasekele and Mpungu into the area through the establishment of the N!ore system (also noted by Hitchcock, Bieseke, and Green 1992 26–27). The following quotes from a San Conservancy member confirm that on arrival in the Conservancy area the San reestablished the N!ore system:

C: In the past, when you first came to this side of Bushmanland how was the land allocated?

R: I know that the former Jul'hoan chief Helboi Ga||she helped us to settle here. The SADF and the commissioner opened up some new boreholes and Ga||she asked that we the San from West Caprivi and other San should be settled at that borehole. There was no issue of pieces of land cut for each and everybody, we were living with the N!ore system. (R25-4, 11.12.07, Mangetti Dune, translated by F.G)

Despite being resettled in a completely new environment, the Vasekele and Mpungu were successful in recreating a territoriality which included elements of former practices from their points of origin and which are strikingly similar to the practice of the Jul'hoan groups to the east of the Conservancy. These systems of territoriality and resource control displaced the open access regime that the inhabitants of Western Tsumkwe inherited upon arrival in the Conservancy area. Further, these notions of territoriality and land and resource management are now being re-fashioned through people's participation in CBNRM under the Conservancy framework. These reworkings of San relationships with the land and claims made for rights to the land and resources found on the land will be dealt with further in the pages to follow.

Peace Comes and Some People Go

As a result of a regional peace process, during the course of 1989, SADF troops including the San were restricted to their bases to await the withdrawal of the SADF back to South Africa. It was at this time that the Namibian SADF and the members of the South West Africa Territory Force (SWATF), a force made up primarily from South African conscripts, were demobilized (Dale 2007 200). The region was administered by the United Nations Transitional Assistance Group (UNTAG), one of the first multidimensional United Nations peace-keeping operations (Dzinesa 2004 644), in conjunction with the commissioner under the conditions of UN Resolution 435m which paved the way for the end of military hostilities and the independence of Namibia. With the possibility of termination of their employment in the army, the San speakers of Battalion 36 were faced with the dilemma of either staying in Bushmanland without employment or being settled in South Africa. After the withdrawal of the South African army from the area in 1990, about half of the San soldiers living in the Conservancy who had fought with SADF and their dependents left Namibia to live in Schmitzdrift in the Northern Cape of South Africa. This exodus left approximately 2000 demobilized San soldiers living in Ntã Jaqna. The decision to stay or go with the SADF was a difficult one for the San. Many respondents told me of their friends and family who

had decided that they would be better off in South Africa, that they would continue being employed and that they would be under the protection of the SADF in South Africa. There were many reasons presented by former San SADF members for deciding to stay. Many of those who stayed said that they were wary of traveling to another country and preferred to stay with friends and relatives and face the future in the new Namibia.

Others said that their leader (Helboi Gallshe) decided with the elders that they would stay. Some chose to buy into the discourse being promoted by SWAPO regarding the need for reconciliation in the newly independent country:

R: After the independence when the government took over we were not afraid because they were talking about we were one nation and that is why we were not afraid, our nation too. (R25-27, 25.02.08, Kano Vlei, translated by F.G.)

Not all of the San who had fought with the SADF remained in Tsumkwe West. Some who remained in Namibia after their withdrawal obtained homes in new resettlement communities constructed along the main highway in the Western Caprivi. It was in these settlements (Omega, Omega Three, and Chetto) that the Namibian Defense Force is purported to have committed human rights abuses at the expense of San who were seen as supporters of the Caprivian Secessionist movement that rocked that region in 1999. In 2003, a San group resident in the Caprivi region, believing that the exclusion and neglect that they perceived themselves to suffer from was evidence of governmental discrimination based on their historical collaboration with the SADF, complained to the Non-governmental Organization The Working Group of Indigenous Minorities in Southern Africa (WIMSA) that:

The first speech of the president was “you K||hwe tribe...you were working together with the South African whites and you K||hwe were...following the footprints of... SWAPO, and used to kill them.” This are the views of the K||hwe community in this matter: we are totally not feeling good because during the colonial times we were not the only one who joined the SA force...there is many tribes in this country Namibia. (Taylor 2008a 319)

Other San (particularly Ju|’hoansi), chose to seek refugee status in Botswana rather than face an uncertain future in Namibia (Stanley 2002 377). While the remainder of this text deals with those San who have remained in what is now Nǀa Jaqna, the fate of those San ex-combatants who left with the SADF on their withdrawal is important for the people of Nǀa Jaqna, as members continue to maintain contact with family and friends now resident in South Africa. Just as the status of those former San soldiers remains a point of contention in the Namibian national reconciliation process, the status of those who left for South Africa remains in question even after the fall of apartheid. Having fought against those allied with

the African National Congress (ANC), the continued presence of these San in South Africa serves for some as an unpleasant reminder of the evils of apartheid. Their situation has become even more problematic due to their cultural and linguistic distinctiveness, neither the Black nor the White communities have been willing to ally themselves with the San or absorb them into their own communities (Lee and Hitchcock 2001 269).

The SADF Legacy in a Newly Independent Namibia

Since independence, those Jul'hoan, Vasekele, Mpungu and Hai||om who remained and accepted Namibian government offers of assistance have been relocated from the ex-army camps to new satellite settlements. While there is little information available about patterns and dynamics of migration within Namibia (Frayne and Pendleton 2001), my research serves to partially fill this gap in that it suggests that a significant number of respondents experienced two phases of migration, first from their place of birth in other parts of Namibia or in Angola to a SADF base in the region followed by a more localized move to another location within the area of the Conservancy. In contrast to the San population found in the areas to the east of the Conservancy, and importantly for the question of claims to land and resource rights formulated by the San of Nǀa Jaqna, less than ten percent of family heads were born in the place where they live today and have never moved.

The presence of the SADF remains visible in the many forms of infrastructure and materials that they left behind during their hasty departure. The memory of what is locally referred to as the “army time” is very much alive in those that experienced it directly and those reared in its aftermath. The fact that 52 percent of respondents consulted during the course of this study have at least one family member who joined the SADF is testimony to the army’s ubiquitous presence in the area, the lives of the San residents during the late 1970s and 1980s and its impact on collective memory today. Indeed, similar to what was asserted by Kossler (2007), this research points to the fact that in Namibia the past, even that which is now many years distant, is of contemporary relevance. This history of the SADF presence in Tsumkwe West is alive in the memories and stories of many of the people of Nǀa Jaqna. San involvement with the SADF informs attitudes of the San towards their place in the “New Namibia” and those of non-San towards the San in general. The presence of the SADF has left its mark on the found and made environment. In Nǀa Jaqna, and Namibia as a whole, elements of the historical past are put to political use by political parties and claimants to land and resource rights while other elements or fragments are downplayed and discarded. Before moving on, it is important to examine the history of “development” in the Conservancy area leading up to the establishment of the Nǀa Jaqna Conservancy.

The ELCN Project

Tsumkwe West has played host to a number of different development projects aimed at the San communities of the area. The first of these was what local people have come to refer to as the ELCIN project. As a result of the Namibian peace process, the Evangelical Lutheran Church in Namibia or ELCIN, and its main donor the Lutheran World Federation (LWF), teamed up with the Namibian Ministry of Lands, Resettlement and Rehabilitation (MLRR), to design and implement the Bushman Rehabilitation and Settlement Program in Tsumkwe West. From the end of 1989, ELCIN and MLRR took over responsibility for the administration of food aid, the development of infrastructure, and resettlement of nearly 2000 former San SADF combatants and their families (Botelle and Rhode 1995 44). After Namibian independence, the MLRR took over responsibility for the welfare of the San population in the area that now plays host to the Conservancy, leaving the ELCIN as the implementing agency and the LWF as a major funder of the envisioned four year project (ibid., 115). The projects' structure and component activities were based on information provided by UNTAG regarding the problems that San communities might face following demobilization from the SADF. The aim was purported to be to "resettle and rehabilitate San and their dependents in the new Namibia" (Jansen 1994 6). Registration for the program began in mid-1990 when it was formally launched (ibid.).

At the time of its operation, the ELCIN project was a major determinant of settlement patterns and economic activity in Tsumkwe West. The project had a number of components. It was decided that seven hectare agricultural plots would be allocated on the basis of family ownership and plot residence, a system that is similar to the farm systems employed by the Owambo and Kavango peoples in other parts of Namibia. Technical assistance was provided in the form of twenty-two draught oxen, a tractor, and seed inputs. The creation of the arable farming program was the most comprehensive aspect of ELCINs' intervention. A total of four thousand nine hundred hectares were allocated in the form of 700 individual or family based plots. San participants planted sorghum, maize, pumpkins, ground nuts, beans, and spinach (R25-100c, 25.05.08, Mangetti Dune, translated by F.G.). Another important element was food aid given under the guise of "food for work" programs. This allocation of food aid can be said to have had a major effect on the economy of the area. Until 1995, a ration of twenty-five kilograms of maize meal was distributed to each registered family regardless of family size or composition on a monthly basis. Supplementary oil and fish rations were also distributed periodically (Botelle and Rhode 1995 118). ELCIN also constructed and staffed two junior schools and initiated an adult literacy program as well as vocational training projects focusing on needle work done by female San. ELCIN arranged for the construction of

several boreholes for local use and a community hall at the village of M'kata. The project also had a spiritual element that focused on their reconversion of San from the Dutch Reformed Church to the Lutheran Church. This was done on the grounds that the San had been "misled" by pastors working with the SADF (Suzman 2001).

Unfortunately for those involved, the ELCIN project was not the great success that the government and the church organizations had hoped for. All of the elements of the project fell short in meeting the needs of the local San participants. A number of reasons or factors have been identified by academics and participants for the project's failure. A lack of adequate consultation with prospective settlers resulted in an inappropriate settlement model of singular or double row linear plot layouts. Not only are these plots more expensive to service than circular cluster settlements, but for the San, were socially and culturally alien and alienating (Jansen 1994 16). The schemes employed at the villages of M'kata and Kukuruche consisted of double line plots stretching over two kilometers with a homestead positioned roughly every hundred meters. This system is in contrast to San preferred nucleated settlements consisting of house clusters adjacent to, or surrounded by, garden land (Botelle and Rhode 1995 116–117). In addition, the food aid system that was put in place was disorganized. There were shortages each month and regular delays in distribution and sometimes families were not allocated any rations at all (*ibid.*, 118).

The crop land scheme and the associated food for work program were based on faulty rationale. The idea was that by providing some food security, families would be able to cultivate their fields until their crops could be harvested. Serious flaws existed in the scheme in that the yields were lower than expected. Only one hundred and fifty to four hundred kilos of maize were able to be harvested on each hectare of land cleared. With only five hundred hectares of land cleared, in the best of years, the project was only able to provide for thirty percent of the areas' food requirements (Botelle and Rhode 1995 120). Given the experience of the ELCIN project and past experience of repeated crop failures due to pests and lack of rain, on a year by year basis, dry land crop production has been and will remain a precarious solution to food security in the area. In midst of this situation, San families were discouraged from diversifying their subsistence strategies. The systematic underestimation on the part of project staff of the importance of veld food gathering for the San resulted in further problems with the project. The creation of large settlements that concentrated several hundred people in one area of the veld resulted in rapid veld food depletion in the areas surrounding the settlements. Officials from the MLRR who witnessed the resource depletion around Tsumkwe during the late 1970s and 1980s recreated the same situation in the Conservancy area via the ELCIN project. Project reports suggested that in the vicinity of newly established settlements veld foods quickly became more difficult to find, households

spent more time collecting firewood and building materials, and game became increasingly scarce with time (Jansen 1994).

There were also mistakes in terms of the management and implementation of the project from the beginning. The entire ELCIN project management was recruited from groups outside of the region. These individuals lacked the language skills and cultural understanding that proved necessary for sustainable and appropriate project management in the area. The training and posting of local San to positions of responsibility within the program remained mere rhetoric throughout the life of the project. The same situation existed for the second largest employer in the area, the government, which employed local people in menial positions.

The problems that the staffing decisions created were compounded by the fact that the project took a non-participatory, top-down, approach to community development. According to a report commissioned by the MLRR, the limited success of the program was a direct result of its almost complete disregard for existing community structures, institutions, and desires (Suzman 2001 18).

Similar views were expressed by the ELCIN evaluation team which noted that "The program does seem to run in a top-down fashion" (Jansen 1994 17). Dissatisfaction with the conduct of project staff was voiced by ninety-two percent of respondents to an MLRR evolution of the project who complained of an almost total lack of community consultation and control over project implementation. Unfulfilled promises, project inefficiency, and favoritism on the part of project staff were common complaints relating to a lack of control and dialogue which all communities expressed during the evolution (Botelle and Rhode 1995 127).

The initial procedures for allocating land under the project were symptomatic of things to come. At the formal land allocation ceremony in November of 1990, the MLRR spokesperson concluded: "Now that the Bores have gone back to South Africa you have become the Bores yourselves."

Government officials told residents that they must become cattle farmers and crop producers, "responsible to the Namibian nation" and to "not sit on the land without producing" (Widlok 1994). These guiding principles help to explain the continued emphasis on rain fed agriculture and stock farming on the part of the government in the Conservancy area. At the same ceremony in M'kata, certificates of tenure were handed over to the community representatives present to accept state land on behalf of resettled farmers. Surprisingly, the envelopes supposedly containing land certificates were empty (Botelle and Rhode 1995 126; R25-67, 06.03.08, M'kata, translated by F.G.). Despite concerted efforts on the part of the Conservancy and the author, it remains unclear whether individual names have been

registered with the government as title holders and if so, what rights these title holders have under existing legislation regarding communal lands.

The ELCIN project achieved very little in the way of strengthening community leadership structures during its existence. A central aim of the project was to support local leadership structures in order to facilitate the participation of communities at every stage of the developmental process. Village development committees were set up to act as two-way communication channels and decision-making forums for project participants in each village, but, by the end of the project, they existed merely as lists of names on paper and rarely functioned. The development of leadership structures and effective community representation is a crucial aspect of any development project. This is especially true for the San of Tsumkwe West who historically have relied on consensus-based decision making. Not only did ELCIN fail to create functioning leadership structures under its own program but also willfully disregarded the establishment of the Western Bushmanland Farmers' Cooperative in 1992 which sought alternate community representatives to elect a four-member Western Bushmanland Council meant to represent community views to government ministries, regional government officials, and NGOs. Unfortunately for those involved, this structure was never able to adequately function (Botelle and Rhode 1995 128).

ELCIN was not able to come to terms with the establishment of the West Bushmanland Community Development Association. The existence of this Association was not only ignored by ELCIN but has also largely been ignored by scholars working in the area. Established in early 1989, the Association was the first to be set up by members of the various San language groups in the Conservancy, spearheaded by a Hai||om man originally from the Etosha Basin area, and represents the first attempt by the San to articulate developmental challenges and formulate developmental plans to deal with these. The Association was the first organization to attempt to demarcate separate spheres of development and in a sense, the first to conduct land use and development planning independent of the colonial authorities or the government of Namibia. The Association succeeded in establishing village management committees with elected representatives, as well as agreeing on the boundaries of the geographical areas which would form the basis of the Association. According to original project documents, the aim of the Association was to "secure the settlements of the inhabitants, to secure and request the Administrator General for an application to occupy." Its membership was able to see the need to secure land rights for the San and also to foreshadow coming events in its recognition that "It may happen that in the future that more dominant ethnic groups may occupy this area. The Association is not against this as long as we have enough land for the Bushmen and in interest of them" (West Bushmanland Community Development Association 1989 2).

The founders of the Association envisioned a community-based organization that would be linked to the government and the private sector and would have several components to its intervention including applying for Permits to Occupy for San communities in the area, agricultural projects with an emphasis on commercial production of crops, a sports association to provide "Healthy entertainment for the youth" (West Bushmanland Community Development Association 1989 7), provision of transport to San in need of access to services located outside the area, and marketing of agricultural and cultural products (ibid., 7–11). Despite the inability of the Association to get off the ground due to lack of funding, its role in articulating developmental goals of the San of Tsumkwe West at the time of transition to Namibian independence should not be underestimated.

Following a less than favorable evolution of the ELCIN project in 1994 (Jansen 1994), the Lutheran World Church decided not to support the program in Tsumkwe West any further. As a result, ELCIN pulled out of the area the following year. By the time ELCIN left, few of its stated goals had been achieved. According to at least one observer of the process (Suzman 2001), after five years of ELCIN/MLRR activity, in what is now the Conservancy area, little had been accomplished in terms of alleviating dependency and insecurity of the local San population. He points out that during the ELCIN/MLRR intervention many Vasekele and Mpungu people chose to return to the Kavango region. Though motivated by various factors, one of those was general dissatisfaction with the resettlement program.

Since ELCIN's withdrawal from Tsumkwe West, the MLRR has managed matters on its own, with considerably fewer resources and a staff that once numbered 55 now down to two. My own respondents confirmed what first was observed by Suzman during an evaluation of the status of the San in Namibia (2001); that San who complained about the ELCIN project in 1993 now speak of the time of ELCIN involvement in the area in almost romantic terms:

C: Since you came here to Kano Vlei what is the best thing that has happened to you and what is the worst thing that has happened to you and your family?

R: The best thing that happened to me since I came here was the ELCIN program. The program was assisting me with some food and some cattle and the worst thing is that nowadays that after the ELCIN left, I am hearing some promises where the government is saying that the government will bring some maize meal for me but nothing is happening maybe they want the people to die of hunger that is when they will believe that there people are getting hunger. (R25-27, 25.02.08, Kano Vlei, translated by F.G.)

Besides the 25 houses built in Mangetti Dune and M'kata, the MLRR has achieved little in the area since 1995. The success was partially impacted by a lack of financial and technical

support. MLRR clerks have complained that it is difficult to motivate San to participate in decreasingly productive agricultural projects and other activities such as a MLRR sewing project, while other elements of the original project such as the adult literacy program have fallen away entirely. The MLRR's failure to respond in an appropriate or creative way to community needs or to allow the San to participate in a meaningful way in project implementation has resulted in the San turning to sources other than the government of Namibia for help.

WIMSA

The primary source of assistance engaged by the people of Tsumkwe West after the departure of the ELCIN project was a San owned NGO. In 1996, encouraged by a world-wide acknowledgement of their rights as reflected in the UN General Assembly "Decade of Indigenous Peoples," the San leaders of Namibia, Botswana, and South Africa formed a new organization called WIMSA (the Working Group of Indigenous Minorities in Southern Africa). This organization was to be a San-led and owned networking and advocacy organization uniting the San peoples and dedicated to fighting for San rights. This organization began to establish links with other indigenous rights groups internationally and provided the necessary institutional framework to support the development of San organizations and associated interventions in the Conservancy area (Hitchcock 2003 7). The existence of WIMSA has also provided a forum in which San leaders can express their views, desires, and difficulties with openness and confidence. Apart from conferences that took place around the same time as the establishment of WIMSA (Lee 2006 467), San have most clearly detailed their positions in forums such as WIMSA annual general meetings (Suzman 2001 81).

The San of Tsumkwe West began their involvement with WIMSA through the planning for a community-based camp site near the junction of Tsumkwe District's main road and the road to the village of Omatako for which the !Kung chief sought assistance from WIMSA. The camp site, as the first-community-owned and operated project in the area, has been in existence since 1996 and is now owned and operated by the Nt̃a Jaqna Conservancy on behalf of its members. The site has served as a source of ideas and initiative among the San community for further engagement with community-based development planning. Indeed, it was in and around this campsite that the first meetings were held with community leaders and members of the !Kung Traditional Authority in which the idea of applying for a Conservancy was discussed (WIMSA 2002 10). It should also be noted that while ELCIN largely failed to facilitate and strengthen San leadership structures in the Conservancy area, WIMSA was successful in helping the San of Tsumkwe West to register the !Kung Tradi-

tional Authority in the area. According to a former Coordinator of the WIMSA Regional Secretariat in Windhoek, support for the San TA in the area was important because:

Activating customary rules in Western Bushmanland would enable the Bushmen communities to prove to the government of Namibia that they can handle their own affairs according to their traditions and within the constitutional context of Namibia. (Taylor 2008a:321)

WIMSA has played a very important role in facilitating San involvement with CBNRM as a framework through which to formulate and pursue paths to development for the San of Nǀa Jaqna.

As has been pointed out by those who have examined development in the area, each new project brought with it its own set of rules and notions of development and largely succeeded in obliterating all evidence of the last or previous efforts. It is clear that none of those early developments satisfied the needs and aspiration of the local residents (Botelle and Rhode 1995 44). It is on the basis of their collective experiences, positive and negative, with development that the San of the Conservancy area began to organize around the idea of applying to the government for a Conservancy in Tsumkwe West. We now turn to the period leading up and including the establishment of the Nǀa Jaqna Conservancy.

Establishment of the Nǀa Jaqna Conservancy

The establishment of the Nǀa Jaqna Conservancy was the result of many years of planning on the part of the membership in an effort to realize their collective goals via government legislation. The vision for the Conservancy was first conceived during 1996, shortly after the establishment of WIMSA. The idea for a Conservancy in Tsumkwe West came about as a result of developments in the neighboring Nyae Nyae Conservancy, the first Conservancy to be gazetted under the Namibian government's Conservancy policy in 1996. San community members in Tsumkwe West who had ties to the membership of the Nyae Nyae Conservancy saw the benefits that the Jul'hoan San were reaping from game and tourism developments and wished to do the same in their area. As the communities of Nǀa Jaqna watched the developments taking place in Nyae Nyae, they asked WIMSA for assistance in applying for a Conservancy of their own. After being handed a mandate by the community, WIMSA hired consultants to discuss different resource management options with the community and to engage in small-scale development projects in the areas of tourism and early childhood education. Consultations carried out by a German anthropologist employed by WIMSA as a consultant resulted in the various communities of the area gaining a substantial awareness of the value of the natural resources in their environment. This heightened

understanding guided the San to the application for a Conservancy that included management of economically and culturally important wildlife and forest resources (Nǀa Jaqna Conservancy 2004a 2).

With the support of WIMSA and the Ministry of Environment and Tourism (MET), staff in the area, and that of a number of staff of the University of Namibia, a constitution for the Nǀa Jaqna Conservancy was written after extensive consultation with the membership throughout the villages of Na Jaqna (Nǀa Jaqna Conservancy 2005a 11). Despite the quality of the constitution, and the fact that it was based on the type of community involvement called for by the CBNRM framework, there were two major stumbling blocks to the gazette-ment of the Conservancy. The first of these was a boundary dispute between the already established Nyae Nyae Conservancy and the emergent Nǀa Jaqna Conservancy. Resolution of this dispute was carried out over an extended period of consultation with the communi-ties affected, the two Traditional Authorities in the area, the MET and other relevant gov-ernmental bodies. By October of 2000, the people of Nǀa Jaqna accepted the boundaries of the gazetted Nyae Nyae Conservancy as forming the disputed eastern boundary of Nǀa Jaqna (Centre for Applied Social Sciences, University of Namibia 2000 1). The second major stumbling block was the inclusion on the membership registry of community members in one of the villages in the Conservancy. The issues revolved around the fact that some of the community members did not wish to join Nǀa Jaqna, but rather preferred to join their fel-low Ju!’hoan in the Nyae Nyae Conservancy (Republic of Namibia, Ministry of Environment and Tourism (Tsumkwe) 2000 1). By 2002, it was decided that the disputed village would be gazetted as part of the Nǀa Jaqna Conservancy and that the people of the village in question would be able to individually apply to become a member of either Nyae Nyae or Nǀa Jaqna Conservancy (Consultant WIMSA 2002 1).

With the two major disputes that were holding the granting of the Conservancy status to Nǀa Jaqna resolved and with the support of WIMSA, other NGOs, as well as the Namibian line Ministries, the Nǀa Jaqna Conservancy was finally gazetted in 2003. Later that same year, two months into my own tenure as the newly appointed Development Coordinator of the Nǀa Jaqna Conservancy, an inauguration of the Conservancy was held at Mangetti Dune.

Soon after the inauguration the Conservancy set about re-establishing the leadership of the Conservancy through confirmation and election of village representatives and the Management Committee of the Conservancy in all of the villages in the Conservancy. The next order of business was to conduct intensive negotiations within and between the com-munities which resulted in the Resource Zonation Plan (to be discussed further in the chap-ters that follow), which established land uses and developmental objectives for the various communities in the Conservancy. During those first two years of Conservancy existence,

the original constitution of the Conservancy was re-written to reflect land use and development planning decisions taken by the community and to update the membership registry. Village consultations also resulted in the first 5-year development plan being formulated for the Conservancy. On the basis of this plan, the Conservancy then successfully approached donors (WIMSA, the French Embassy in Windhoek, and the UNDP) for funds to proceed with the implementation of the development plan. In the span of a couple of generations, the San peoples of the Nǀa Jaqna Conservancy have witnessed a vast amount of change. Since the 1950s, they have demonstrated an ability and desire to adapt to and shape their circumstances. Through these changes in their collective and individual circumstances, San land and resource rights have remained complex and tenuous at best. The creation of the Nǀa Jaqna Conservancy, its aims and institutions, have come about as a result of the historical and developmental experiences of the San who now call the Conservancy home. The Conservancy is now the predominant avenue through which the San define and pursue land and resource rights as a basis for their development.

3 Namibian San and Indigenous Rights

On the African continent, peoples who define themselves as indigenous, such as the San of Southern Africa and the San of Nǀʼa Jaqna in particular, have had difficulties in obtaining legal rights to land and resources. These groups have utilized a number of strategies in efforts to obtain these rights. These efforts include, but are not limited to, lobbying government officials, engaging with the transnational indigenous peoples' movement, and the taking of direct action such as the 1997 blockade of the Etosha National Park by a group of disaffected Namibian San in 1997 (Hitchcock 2004 3). The San of Tsumkwe West have engaged a number of these strategies in seeking to gain and maintain rights to land and resources. This chapter takes as its focus one of these strategies, San engagement with the international indigenous peoples' movement. As pointed out by Saugestad (2004), a dialectical relationship exists between national-level indigenous rights movements in Southern Africa and the international indigenous peoples' movements. For the San of Nǀʼa Jaqna, involvement with global process associated with the international indigenous rights movement has provided new opportunities for giving expression to indigenous identity in international forums and has given impetus to "the development and display of cultural forms on the home front" (Saugestad 2001 29–30).

This chapter will assess the effectiveness of San involvement in the international indigenous peoples' movement and the consequent framing of issues that affect the San within the rubric of indigenous rights in Namibia. The unresolved matter of African indigenous peoples rights has been called "a festering sore on the African Body politic" (IWGIA 2005 12). The following will evaluate the constraints under which the San of Southern Africa, and those of Namibia in particular, assert their rights as indigenous peoples and the opportunities presented to them by doing so.

While involvement with the indigenous rights movement has provided opportunity for new forms and expressions of San identity, the position of indigenous rights in international law remains weak at the global level. The government of Namibia refuses to recognize ancestral land claims of the San and insists that all citizens of Namibia are indigenous. Given this apparent contempt for, and disregard of, pronouncements on indigenous rights within the body of conventions, declarations and charters which form part of international law related to indigenous rights, strategies which frame San related issues in terms of indigenous rights have not been effective to date. This does not mean that the San of Nǀʼa Jaqna have not gained, and cannot continue to gain, from pursuing their rights to land and resources via the international indigenous rights movement and the prescriptions of international law. As

will be demonstrated below, the San are adept at forging parallel allegiances, and fostering and giving effect to multiple identities in various contexts. Framing of issues related to their collective development in terms of poverty, human rights, and rights of citizenship at the national level does not preclude the further development of international law concerning indigenous rights and San participation within the transnational indigenous peoples' movement. Involvement in this movement is one of a set of strategies, sometimes complementary, sometimes contradictory in nature, employed by the San of Nǀa Jaqna as they attempt to navigate various legal frameworks, discourses, challenges, and opportunities in search of land and resource rights on which to pursue their own path to development.

Organs of civil society within Namibia, as well as regional organizations and international donors, have begun to work with the government of the Republic of Namibia to recognize and internalize important international standards in regard to indigenous issues, with some positive results. At the same time, the San leadership continues to develop representative and effective leadership structures to facilitate San input into the policies that affect them.

Through San involvement and the development of law and indigenous rights institutions at the international level, norms may be generated and further internalized by the Namibian government. However, while San participation within the international indigenous peoples' movement has the potential to bring about further positive change, the unacceptable nature of the status quo and the urgency of many of the problems faced by the San dictate that important issues be framed by the San in terms that the government will accept.

The experiences of San populations in Nǀa Jaqna illustrate that it is possible to present issues important to the San through the use of a number of frames. The ability to do so is not a matter of promoting or privileging one frame to the exclusion of others. Involvement with the transnational indigenous movement provides the San of the Conservancy an opportunity to engage in strategic performance of multiple identities in a variety of contexts to a variety of audiences. One of the identities performed by the San is that of indigenous peoples. Here it is important to note the significance of the fact that the international indigenous peoples' movement derives much of its effectiveness from support of a public concerned with social justice and environmental sustainability. Without this support, the movement would lose much of its resources and leverage. As pointed out by one scholar of the international indigenous rights movement:

Indigenous claims and grievances would have little effect on the behavior of nation states if they were not also tied to a broad international base of popular support. Indigenous leaders often present their way of life to the media as one of... perfection, environmentally gentle, democratically consensual and spiritually heightened. It matters little if each of their qualities corresponds with lived reality. What is im-

portant is that they have become part of an idiom of collective identity that circulates between a people and its popular audience. (Niezen 2004 70)

As will be shown below, in discussing the circulation of indigenous discourse and engagement of indigenous rights “talk” (Ignatieff 2001) from the global level through Namibia and into the Conservancy and back again, the deployment of multiple identities by the San is both effective and justified in a context characterized by unequal power relations in which San and non-San Namibians as well as the state itself engage multiple identities and claims at different points in the circulation of indigenous rights discourse.

In this chapter, the structural position of the San in Namibia will be outlined. The indigenous rights perspective and the Namibian state’s relationship with this perspective and the international movement that has grown up around it will be explored before looking at how the perspective has premeditated the Conservancy and its people. The chapter will conclude with a discussion of the utility of engagement with the international movement for the San of Tsumkwe West as they struggle to improve the situations in which they live.

Indigenous Peoples and their Rights

Several international conventions and declarations have dealt with the question of defining who is and who is not indigenous for the purpose of clarifying and granting rights associated with this identity. There is currently no consensus in international law about a single definition of the term indigenous. What follows is an outline of the various definitions contained in international covenants and declarations that will be followed by a discussion of the applicability of these definitions to the San.

Kenrick and Lewis (2004) argue that the codification of the term indigenous within the United Nations is an obvious starting point for any discussion of the definition of who is and who is not indigenous. Although there is no single official definition of the term indigenous within the UN system it can be argued that from a list of salient criteria and with a pragmatic approach to how the criteria should be defined, a definition has emerged. The Working Group on Indigenous Populations (WGIP) emphasizes four principles that should be considered in the definition of indigenous peoples. The first of these is the priority temporally in terms of the occupation and use of a specific territory by a group. The second is the voluntary perpetuation of cultural distinctiveness. The third is self-identification by members of the group itself, as well as recognition by other groups as a distinct collectivity. The final criterion is that of a common experience of subjugation, marginalization, dispossession, exclusion or discrimination whether or not these conditions persist (Matinez Cobo 1987; Kenrick and Lewis 2004 3; Mackey 2005 16). The chairperson of the UN WGIP has

argued that although there is no need for a formal definition of the concept of indigenous, it is important to recognize a number of factors, such as those outlined above, that are relevant for developing an understanding of the concept. Her “polythetic” approach refers to a form of classification in which multiple criteria may be used, but all criteria need not be present at the same time in a given context (Barume 2000 36).

According to Muehlebach (2003 244), the place of territorial precedence that marked early definitions of indigenous has now shifted somewhat and the result is a greatly expanded applicability of the term. Recently, some definitions of the term prioritize a groups’ persistent vulnerability after the process of decolonization transferred power to the dominant group in a particular territory or nation as a criterion for identification. (Dean and Levi 2003 5). Some have argued that the definition of who is indigenous is not rooted in blood or the relationship to the land. In this conception of indigeness, it is the relationship to the nation-state that is of primary importance (Barume 2000 43). Some NGOs have recently produced definitions of indigenous that have deemphasized the importance of the relationship to the land or genetic makeup. Rather, they argue that the relationship to the nation-state and to colonial and postcolonial processes that have resulted in the domination of indigenous groups by non-indigenous groups are the most important to consider in identifying indigenous peoples. This shift has not been uncontested. A number of African and Asian states have raised concerns in various meetings related to indigenous rights over such a shift and contend that discussions of the extension of special indigenous rights should only proceed once the term indigenous is clearly defined (Muehlebach 2001 436).

Thornberry (2001 88) suggests that the search for a universal definition of indigenous is misguided. He points out that in the area of group rights international law has generally avoided definitions and that it has not been regarded as necessary for the international system to define, in particular terms, all components of a definition. He goes on to argue that there are both potential advantages and disadvantages for indigenous peoples in creating consensus on one universally accepted definition of indigenous. According to his analysis, the establishment of such a universal definition could help to improve the good will of governments, give greater confidence to those defined as indigenous and improve targeted programming for indigenous people. It is asserted that it is not in the interests of national governments or indigenous groups to foster the growth of indigenism to include all kinds of groups in all kinds of situations. Given the high degree of positive development of international standards, more and more groups may be tempted to reclassify themselves as indigenous peoples.

The application of the criteria for identification of indigenous peoples to the San of Southern Africa is not straightforward. According to Sylvain (2002), the status of the San as

indigenous people is not really in question within Southern African society. She does, however, raise some concerns with the expectations that this classification place on the San as a group. She argues that despite the flexible criteria for indigenous status employed in many international forums, at the local level, the criteria for indigenous identity has become based on primordial and essentialist notions. In her analysis of the position of the San within Namibian society, she argues that local definitions of indigenous result in several dangers for the San. She points out that the local definitions of indigenous connect this status with culture and natural resource use and a special relationship with the land. She suggests that through this process of identification, indigenous peoples' rights are limited to the preservation of their culture. She also argues that limiting a definition of indigenous culture to a particular relationship to the land precludes any role for what she terms political economy in the historical formation of identity.

Sylvain also takes issue with the process that she identifies at the local level of associating the present political and economic contexts indigenous people find themselves in with cultural loss. She says that this type of situation results in the possibility for the conclusion that the San are already dispossessed of their land and thus, no longer possess a culture that could qualify them as indigenous and deserving of special rights. She argues that for some Namibian San who have become incorporated into mainstream society their class has to become depoliticized in order to become recognized as indigenous people. In this context, the San are required to present themselves as largely unaffected by the historical, political, and economic contexts in which they go about their daily lives (*ibid.*, 1081). The arguments forwarded by Sylvain resonate with those of others (Engle 2010; Hodgson 2002a; Karlsson 2001; Li 2000), who note that what is good politics at the international level does not necessarily make good local politics. These authors argue that long term local repercussions of the international indigenous movement are not yet determined but also that the insistence at the international level that indigenous culture is territorialized in practice might exclude indigenous groups if they do not have access to a specific definable territory (as is the case for many San), and are thus not recognizable as indigenous (see also Muehlebach 2003 262).

The pressures that identifying as San and the stigma attached to the identity in the Southern African context (as described by Gordon 2000), mean that many San choose to hide their affiliation with the San community. Werbner (2002) argues that even if the San qualify for special rights as indigenous people according to criteria applied at the international level, not all San are willing to embrace this indigenous identity at the local level. He points out that in Botswana some San conform to expectations of the majority and conceal what might be recognized as their San origins. At the same time, other San have become assertive about their marginality and insist on being recognized as a minority while demand-

ing what amounts to affirmative action to right historical wrongs. He also identifies a third group or subgroup within the Botswana San community who deny that they are a minority or that it makes any sense at all to talk about minorities given the dubious chances of gaining recognition by the majority.

Many San argue that self-identification should be the basis on which indigenous identity be bestowed. Ernest Gellner (1994 9) states that modern conception of freedom includes the requirement that identities be chosen rather than ascribed. For others, identity is not predicated on an ideal type of authenticity, but rather that an authentic identity cannot be imposed but is something that only autonomous groups can articulate for themselves (Taylor 1994 31).

Hodgson (2002b) argues that recent writings on indigenous identity have moved beyond debates about authenticity, essentialism and social constructionism to examine the historical, social, economic, and political contexts which shape how and why indigenous groups decide to protect and promote particular images of themselves. She argues that a group's self-identification as indigenous is not natural or inevitable. In addition, it is not invented, adopted, or imposed in a simplistic fashion. In this line of argument, self-identification by African indigenous people is a position based on drawing upon historically grounded practices, landscapes, and meanings.

In a speech given at an international conference, Joram |Useb, a Namibian San who has led WIMSA, suggested that the San, like many other indigenous groups, are aware that there is a danger in imposing strict definitions of who is indigenous as some governments would prefer. According to |Useb, the San of Southern Africa prefer to use the tool of self-identification in relation to answering the question of who is indigenous (see also Hitchcock and Vinding 2004) on the San preference for self-identification). He then went on to correlate the act of self-identification with a courageous act within the context of discrimination, marginalization, poverty, and exclusion in which the San find themselves today. In his words "it seems to be a brave move indeed for an individual, family or community to claim to be San, one of the first peoples" (|Useb 2005 2). He also noted that recent years have seen a revival of the interest and assertiveness of the San in relation to re-discovering and (re-)inventing their own culture and heritage (ibid.).

|Useb's use of the word "peoples" above is not simply a matter of semantics. There has been much debate about the use of the word peoples within international declarations and agreements related to indigenous people. This is due to the fact that if indigenous groups are recognized as peoples then they would be granted certain rights under international law, including the right to self-determination (Alfredsson 1989 256; Overmyer-Velázquez 2003 15; Niezen 2003 18–19; Whall 2003 639). The indigenous arguments for the use of the

word peoples rather than populations or minorities when referring to indigenous groups is a set of strategic assertions that enable indigenous groups to differentiate themselves from the weak set of rights granted to other minorities and to claim that self-determination applies to them. The latter claim is of great importance since it implies not only local autonomy or internal self-determination but also external self-determination. While external self-determination is a rather ambiguous concept, it clearly implies a degree of sovereignty over land (Thompson 1997 793).

Burman (2003) has identified a misreading of the connotation of the term self-determination as the basis of much of the disagreement about the application of the term peoples to indigenous groups. He traces the right of peoples to self-determination as far back as 1960 when the UN General Assembly adopted resolution 1514 (XV) entitled "The declaration on granting of independence to colonial countries and peoples." The thrust of the declaration is clear in that it grants all colonial territories the right to independence. Although the title of the declaration refers only to colonial countries and peoples, the operative paragraph refers to the right "of all peoples to self-determination" (Burman 2003 179). The same resolution also laid down a limiting principle to the effect that any attempt to break up or disrupt national unity or territorial integrity is incompatible with the Charter of the UN (IWGIA 2003). This position was further clarified by a UN resolution in 1970 which states that "nothing shall be considered as authorizing or encouraging action which would dismember or impair, totally or in part, the territorial integrity of sovereign and independent states" (quoted in Burman 2003 180). Burman argues that despite these authoritative statements, both secessionists and "die hard bureaucrats" (*ibid.*, 179-180), continue to perpetuate a misunderstanding in public discourse that the right to self-determination automatically means the right to secession.

Tsosie (1997 377) states that at the heart of the refusal by state representatives to acknowledge indigenous groups as peoples are the basic tenets of democratic liberalism, which she identifies as cultural neutrality, national integrity, and the value of a shared concept of community. Others argue that the basic liberal model of equal rights and freedoms does not allow for group rights to be claimed within state structures (Muehlebach 2001 422). As Wilmer states, indigenous activists "challenge the normative basis of international law" by asserting that the right to sovereignty is essential for economic and political development and that this right to sovereignty does not belong solely to states formed along the European model (Wilmer 1993 2).

Niezen asserts that the recognition of indigenous rights at the international level involves a number of safeguards including rights over natural resources and the "potential for a level of international recognition of self-governance" (Niezen 2003 25). The first in-

ternational convention to reject integrationist approaches towards indigenous populations followed by state governments was the 1989 International Labour Organization (ILO), Indigenous and Tribal Peoples Convention number 169 (Dean and Levi 2003 2).

The ILO was the first body within the UN system to pass a legally binding convention specifically addressing the issue of indigenous rights (Hodgson 2002b 1038; Wilmer 1993 154). The current ILO Convention 169 replaced the earlier ILO Convention 107 which explicitly established the norm by which the integration of indigenous people should take place (Colchester 2002 2). Van Genugten and Perez-Bustillo (2004 382) refer to a shift exemplified by the redefinition of the earlier Convention 107 and state that “the normative solution to questions of Indigenous rights of a generation ago, that of assimilation, has become the normative challenge of the current generation.”

Convention 169 conceptualizes, or sets out, for the first time, the right of indigenous people to self-determination, and the rights to consultation and participation (IWGIA 2003 22). It also grants the right of indigenous peoples to decide their own priorities for development and their rights to ownership and possession of the lands which they traditionally occupy. It also provides them with access to, and protection of, natural resources in their traditional territories. In addition, it deals with relocation and states that indigenous peoples should not be removed from their land but that if this is unavoidable then restitution should be paid. It has been described as a landmark and a “beacon of hope” for indigenous people (Barume 2000 44–45).

While some governments have ratified the ILO Convention, none of the state governments on the African continent have sanctioned it. Some have argued that despite the imperfect nature of the contents of the document and the current lack of ratification, the ILO Convention is still very important for the members of the international indigenous rights movement. Despite the slow rate of ratification the convention has had significant influence on domestic policies of many countries as well as the policy guidelines of many funding agencies. They also assert that many indigenous groups are not entirely happy with the promotion and protection of their rights as indigenous people afforded by the convention. However, the convention does provide for a minimum standard and that it should be considered far reaching in its recognition of the collective rights of indigenous peoples. The convention commits ratifying states to positive action, to promote and protect indigenous rights, and has codified standards that have provided increasing avenues for the realization of indigenous rights (IWGIA 2005 112; Salomon and Sengupta 2003 20). While the legal basis for claiming indigenous status is still weak, the significance of concern for indigenous issues cannot be measured by its weak legal status alone. The very formation of international instruments such as the ILO Convention 169, described by some as customary inter-

national law (Anaya 1997), introduces a moral standard and “sets a new agenda” (Saugestad 2004 34). Saugestad asserts that despite the slow rate of ratification, the convention has had significant influence on domestic policies of many countries as well as the policy guidelines of many funding agencies. They also assert that many indigenous groups are not entirely happy with the promotion and protection of their rights as indigenous people afforded by the convention. However, they argue that the convention does provide for a minimum standard and that it should be considered far reaching in its recognition of the collective rights of indigenous peoples. They also point to the fact that it commits ratifying states to positive action, to promote and protect indigenous rights, and has codified standards that have provided increasing avenues for the realization of indigenous rights (*ibid.*). While the ILO provides the only legally binding agreement on the rights of indigenous peoples, several other UN bodies and related conventions speak to indigenous rights (see Cohen 1993 on the increasing importance of these international conventions and declarations).

At the UN Vienna World Conference on Human Rights in 1993, member states acknowledged that indigenous peoples should be given a space within the UN system to address the issues affecting their communities. This decision was a result of more than two decades of debate at the UN on the rights of indigenous people which saw the establishment of the WGIP in 1982, the UN Working Group on the Draft Declaration in 1994, and the appointment of a Special Rapporteur on the Situation of the Human Rights of Indigenous Peoples in 2001. With the inauguration of the Permanent Forum on Indigenous Issues in 2002, indigenous peoples were given a voice within the UN and their issues were firmly placed on the international agenda. One of the main objectives of the Permanent Forum was to strengthen international cooperation in solving the problems faced by indigenous people in areas such as human rights, the environment, education, and health (Whall 2003 637). The Forum is unprecedented in that its executive committee is made up of state and indigenous representatives in equal numbers and meetings are also attended by NGOs, which have been granted observer status (Overmyer-Velázquez 2003 16). A number of UN agencies and other organizations are currently involved in the struggle for indigenous rights. These include, but are not limited to, the UN Children’s Fund (UNICEF), the International Fund for Agricultural Development (IFAD), and the World Intellectual Property Organization (WIPO) (see Barume 2000 and Colchester 2003 on respect for indigenous land uses in various UN statements and the convention on bio-diversity).

The UN Declaration on the Rights of Indigenous Peoples, adopted by General Assembly Resolution 61/295 on 13 September 2007, states that indigenous peoples “have the right to the restitution of the lands, territories and resources which they have traditionally owned or otherwise occupied or used” (United Nations 2008). This declaration asserts a type of

general universal right, applicable to all indigenous people, and makes this right the responsibility of sovereign states, each of which has jurisdiction over a specific group of national citizens (Mackey 2005 1). The declaration is one of the many covenants and declarations that have attempted to proclaim a universal set of norms and rights regarding indigenous people. This body of documents has led legal scholar James Anaya to proclaim the emergence of a new “international law of Indigenous peoples” (Anaya 1997 57). The declaration asserts that indigenous peoples have the right to strengthen and maintain characteristics and legal systems that are distinctive while maintaining the right to fully participate in the state (Wang 2004 179; Morgan 2004 482).

Article 3 of the declaration deals with the concept of self-determination. Here, the concept of self-determination itself is being transformed, reformulated, and defined by the international indigenous movement. The claim to self-determination supported in the declaration is at the core of the international movement. For proponents, self-determination as it relates to the international movement is best understood as an attempt to achieve local freedom through the use of a global language, to make claims of difference through a law that applies equally to all peoples and to “insist on local control as a universal right” (Muehlebach 2003 341). The process referred to by Muehlebach above resonates well with what Appadurai (1996 43) has called “the central feature of our global culture today...that sameness and difference...cannibalize one another and thereby proclaim their successful high-jacking of the two enlightenment ideals of the triumphantly universal and the resiliently particular.”

In addition to the declarations and covenants emanating from the UN, the African Charter also upholds indigenous rights and speaks to many issues facing indigenous people on the African continent. The African Charter on Human and Peoples Rights was adopted by African heads of state at the meetings of the Organization of African Unity (OAU) in 1981 (Werbner 2002 763). This Charter is distinctive in that it recognizes the right of peoples, such as the right of all peoples to self-determination. It provides general guidelines for states which should take specific measures aimed at the promotion of the cultural identity of indigenous sectors of the population (African Commission on Human and Peoples’ Rights 2005 417–418). In 2000, the African Commission on Human and Peoples Rights adopted a resolution concerning the promotion and protection of the human rights of indigenous peoples. A working group was subsequently set up to study the implications of the African Charter on the human rights and well-being of indigenous communities and to consider recommendations for the monitoring and protection of the rights of indigenous communities. The adoption of this resolution is seen as a somewhat remarkable step forward. In 2003, the commission adopted a final report of the taskforce implemented for this specific

purpose. The report contains recommendations for the promotion and protection of indigenous rights (Saugestad 2004 32).

The report also identified a dialectical relationship between the indigenous peoples and their respective nations. According to the report, at one level indigenous people belong to and embrace the constitutional and political system and owe allegiance to the country concerned. At another level, they are a distinct people, with their own cultures, traditions and political systems, which sometimes transcend national boundaries. The report calls for the recognition of the unique character of indigenous people and the development of policies and practices in consultation with indigenous people that give “due regard to the identity of the Indigenous people concerned” (IWGIA 2005 12).

Despite the strong recommendations contained in the report, many have argued that the African Commission remains ineffective and does not reflect the true attitudes of the governments that make up the African Union. One African commentator has stated that despite references to peoples in the African Charter, group rights to identity seem to mean very little or anything in Africa (Barume 2000 17). Member states of the African Union are bound by the articles in the African Charter to recognize the rights, duties, and freedoms enshrined in the Charter and that they have vowed to undertake legislative and other measures to give them effect. However, the situation of the San of Southern Africa demonstrates that African governments do not respect their own Charter. Reports of the International Work Group for Indigenous Affairs (IWGIA), have called for some form of intervention to correct the situation (IWGIA 2005 60).

As pointed out by Niezen (2004), recognition of the special status of indigenous peoples such as the San has been brought about by several decades of the development of international law and has now expanded to “a new form of identity that has filtered down to a wider popular awareness of the world’s social geography” (Niezen 2004 71). Despite the reluctance of some governments to recognize standards set out in international law concerning indigenous people, it is clear that international law and international bodies set up to adjudicate rights of peoples provides indigenous groups and networks supporting indigenous rights avenues through which to pursue their rights and argue for modification of current government policy and legislation.

The San as Indigenous Peoples in Namibia

Currently, the San in Namibia consist of a number of socio-linguistically diverse communities that number between thirty-two and thirty eight thousand in a nation of approximately two million people (Lee 2003 90; Smith 2000 6). Soon after independence, the government

showed a willingness to resolve some San issues, such as matters related to land rights and education. Some programs have been implemented but very few have yielded positive results. The Namibian San population as a whole is arguably worse off than they were prior to independence (many San of Nǀa Jaqna forward this argument). Few would argue that today the San do not constitute a highly dependent, impoverished, and marginalized minority (Daniels 2004 46; Niezen 2003 21). The San human development index is less than half the national average while their human poverty index is more than twice that of the national average (Daniels 2004 45).

After years of colonial rule that emphasized ethnic identities, independent Namibia adopted a policy of national reconciliation as a tool for nation building, thus discouraging ethnic or tribal identities (*ibid.*). Significantly, there is no specific recognition of the rights of indigenous peoples in the Constitution of Namibia and while Namibia is signatory to some of the international conventions dealing with the rights of indigenous peoples, including the UN Declaration on the Rights of Indigenous Peoples, this has had little impact on the position of the San in Namibian society. The Constitution as the supreme law recognizes the rights of all citizens to practice their respective cultures subject to the rights of others and the national interest. All people are entitled to, and are protected by, the same rights guaranteed under the Constitution. However, equality and justice for all remain only principles on paper as most individual and communities such as the San of Nǀa Jaqna, lack the capacity to use the law effectively (Daniels 2004 47). Van Genugten and Perez-Bustillo (2004) identify what they term a “democratic deficit” within the Namibian San community comprised of the lack of adequate political representation and voice with respect to the decision making processes that affect them. It has been argued that for all intents and purposes, the San of the countries of Southern Africa are invisible. That is, they lack voting power, lobbying capacity, and any significant form of representation even at the local level (Woodburn 2001 3).

By establishing arenas for indigenous people to meet and set their own agenda, indigenous organizations and cross-global cooperation have deepened the understanding of how many of the challenges faced by indigenous groups such as the San are linked in terms of form and substance. Like other indigenous groups, the San face poverty, cultural and legal discrimination, forcible relocation, exploitation of their natural and cultural resources, and lack political determination and autonomy. In Namibia, as in the other Southern African countries that play host to San populations, the misrecognition of the San as not being indigenous on the part of the state has further secured their collective position as marginalized citizens, largely outside of mainstream society. The term “muted group” can be applied to the San when discussing how they have been silenced or rendered

inarticulate by the dominant majority that controls public discourse. Applying the term muted to the San as a group does not mean that they are not talking. However, if they are to express themselves, they must do so through the dominant mode of expression. By having the power to define reality, the dominant majority seeks to prevent minorities such as the San from constructing alternatives and challenging definitions of their circumstances and options for the future.

One of the markers of San indigeneity is the discrimination that they face in their daily lives at the hands of other Namibians. A study conducted by a well-respected Namibian scholar pointed out that ethnicity itself is not very politicized in Namibia and that at least publicly most Namibians support tolerance among the country's various ethnic groups. He also points out the existence of an alternative "private world" of ethnicity and that ethnicity is not regularly debated in the public realm (Du Pisani 2003 132). According to one analyst of the situation, there is recognition on the part of the state and the Namibian public that the San are a marginalized population. There is, however, reluctance among Namibians to concede that all people can be prejudiced and thus, there is reluctance among the public to acknowledge that the marginalized status of the San is even partly a result of prejudice (Suzman 2001 73). As pointed out by Gordon (2000 238), "there is very little qualitative distinction between the paternalistic racism of whites towards blacks during the colonial era, or the deeply embedded male chauvinism towards women in many of the world's societies and the contemporary attitudes of many Namibians (black and white alike) towards San." According to a former San member of Parliament in Namibia, Honorable Royal Uoi|o|oo, the discrimination that San face from their fellow citizens is very real and destructive. He has informed the African Commission that other ethnic groups regard the San as lazy and primitive and that some San have internalized the attitudes of their neighbors resulting in a sense of despair. He also pointed out that it is common for San people to hide their San identity while in public to avoid discrimination at the hands of others (African Commission on Human and Peoples' Rights 2005 116). This perception of the San as useless or lazy is said to have colonial roots (Dieckmann 2007 179). The stereotypes of San are still very much alive on white owned farms on which many San-speaking Conservancy members seek work (Sylvain 2001 718).

However, it was a conception of the San that found currency not only with white colonialists and current farm owners, but also with Bantu groups. According to Suzman (2001), the fact that the San rarely owned livestock and invested very little symbolic value in live animals beyond their immediate utility as a source of food was historically proof of their backwardness and lesser value in the eyes of many Bantu-speaking groups. The same agreements are being forwarded today by Bantu speaking pastoralists and other non-San Na-

mibians in arguing for farming schemes in the Conservancy area. Many people, San and non-San, spoke to me about how San are treated by other groups. One Herero Conservancy member painted a mixed picture:

C: How are other Namibians treating the San?

R: It depends, some of the non-San people like me are treating the San people like their own family but, there are some that are having this heart that is rough and they are treating the San, taking them to work and treating them like dogs. (R25-14, 20.02.08, Grasshoek, translation F.G)

Others painted a much more negative picture:

C: How do the other Namibians see the San people?

R: They see us like we are stupid and we don't have any mind and we are useless and anyone can come and do whatever they want to do and come and settle here and no one can tell them. (R25-17, 20.02.08, RooiDag, translation F.G.)

Some San members of the Conservancy had internalized this negative conception of the San. Here is one example:

C: You say there is a difference between the San people and the non-San. For you what is this difference?

R: What I see here is that the San people are lazy, they cannot do anything for themselves. All they want is to walk around in the villages, go to home and eat there. The other tribes here are people who want to do something for themselves. Even me I grew up with other tribes, that is maybe why I am a hard-working man and I can do something for myself in my home.

There can be little doubt that according to the criteria set out in the body of instruments that forms international law related to indigenous peoples and their rights, the San are deserving of indigenous status and thus the rights associated with this status in national and international law (Campbell 2004 9; Crawhall 2004; Haug 2007 21; Lee 1998 256; Muehlebach 2001 436; Suzman 1999 234; Thornberry 2001 88). International conventions on the rights of indigenous peoples have long confirmed that rights to traditional land and culture are inexorably linked. As pointed out by Roger Channels, a South African based lawyer and supporter of indigenous rights who has worked extensively with WIMSA and the San communities of Nǀa Jaqna, and confirmed by my own observations, the San have taken encouragement as to the essential validity of their quest for restitution of their land rights from international conventions confirming their indigenous rights to land and resources (Personal Communication R. Channels May 14, 2004). That being said, employing the term

indigenous rights within the Namibian national context is controversial and less than politically convenient (Haug 2007).

The question of indigenous land rights in Namibia involves some complexity due to the fact that there were conflicts between African tribes prior to German and Afrikaner colonization, as well as considerable physical movement from one area to another (as discussed in relation to the San of Nǀa Jaqna in Chapter 2). In addition, different people used their land in different ways during different seasons providing for overlapping claims on a given piece of land. Importantly, delegates to a national conference on the land question adopted a resolution asserting that “the restitution of ancestral land rights is impossible under existing conditions” (ICEMA 2004 5). While the true meaning of this policy remains unclear, in plain language it states that the nation’s land policy should not be based on the registration of historic or indigenous land rights. This policy has thus dispossessed the San of their ability to assert claims to their indigenous land rights (Harring 2004 69–70). This difficulty is heightened for Nǀa Jaqna’s San population as many of them came into the area in the 1970s and 1980s (see Chapter 2).

As a result of a land grab by more economically and in some cases politically connected cattle herders, the San of the Conservancy find themselves increasingly dispossessed of their land base as herders take advantage of uncertainty regarding land management and allocation in the area (Pakleppa 2004; Sullivan 2001). Arguments made by non-San who have taken up grazing and residence in areas under the control of the !Kung Traditional Authority revolve around the conception that the communal areas of the country are open to everyone and that all citizens of Namibia have the right to live wherever they choose. In practice, what this has meant for San communities is that ever increasing numbers of outsiders have encroached on their land. In some cases these outsiders have taken over water points and have turned water sources used by the San for drinking water into livestock watering points. As some have pointed out, former San settlements have become cattle posts where livestock owners receive free water for their cattle paid for by the government or the donor community with money originally intended for the San (Hitchcock 1996 37). These new occupants of San land have largely been more successful than the San in obtaining legally recognized ownership (Bolaane 2004 401; Friedman 2004 233; Gall 2001 40; Guenther 1991 218; Hitchcock and Vinding 2004 14–15; Melber 2003 58).

The preceding section has outlined the socio-economic and structural position of the San in Namibia. Before going on to discuss San involvement with the international indigenous rights movement and the framing of their issues within the discourses generated by the international indigenous peoples’ movement, it is necessary to outline the indigenous rights perspective and the stance of the Namibian state towards indigenous rights for its citizens.

The Indigenous Rights Perspective

This section will briefly outline the nature of indigenous rights, seen as distinct collective rights different from those held by national minorities. Many of these arguments are only beginning to be understood and internalized by the Namibian government. While this research suggests that an indigenous rights discourse is in its infancy among the membership of Nt̃a Jaqna, it is a discourse that is well understood and strategically employed by many internal and external stakeholders in the continuing development of the Conservancy. San leaders and those that are assisting them (NGOs, rights groups and some donor organizations) have employed the indigenous rights concepts in their support of the Conservancy.

Much of the literature on indigenous rights has tended to focus on a narrow range of formulaic questions of whether rights can be characterized as collective or individual (Shapiro and Kymlica 1997 4). What is more important for the San in the Conservancy is that the standard set of civil, political, and social rights that define citizenship in Namibia are not sufficient to accommodate the legitimate interests that the San have by virtue of their ethno-cultural group membership. Niezen (2004) identifies a tendency on the part of activists and development workers to see human rights as the only source of wisdom and guidance for social action. My research suggests that the deployment of human rights discourse is far less contentious than that of indigenous rights in Namibia. However, it can be argued that human rights are not well suited to indigenous groups who are seeking collective rights such as the San. In examining the usefulness of human rights arguments for African indigenous groups, Parker Shipton traces the intellectual heritage of the concept of rights highlighting what he views as a problem of how rights in European thought are “bounded up with individualism and universalism” in a way that does not “reflect the most common African understanding of morality” (Shipton 2003 38). Overmyer-Velázquez (2003) is also critical of the potential for individualist human rights to be of use to indigenous groups. In an analysis of the potential of United Nations based advocacy for indigenous peoples, it is argued that the persistence of what is referred to as a “centuries old bias” in international law that privileges the nation state and a related bias towards individualistic conceptions of human rights make UN support of indigenous self-determination “highly unequivocal” (Overmyer-Velázquez 2003 11). The Namibian state among others, has been able to weaken San identity though the provision of a limited number of cultural choices and by emphasizing exclusively individual human rights that the San may exercise as citizens of Namibia (Niezen 2003 133).

Many proponents of the indigenous rights perspective have been critical of the potential of human rights discourse to be of assistance to indigenous groups while others see

potential in the human rights perspective for indigenous people. On the potential of human rights to be of use to those groups seeking indigenous rights, Wang (2004) points out that while human rights are individualistic in nature they can, and do, provide a base for the assertion of other forms of rights. She argues that the human rights approach does have some advantages for minority groups. The first of these is that adopting a human rights approach elevates minority rights to the level of fundamental human rights. Secondly, because human rights are part of a much internationalized discourse, framing minority rights within the human rights framework would assist in raising the international profile of indigenous minority issues. In this line of thought, the existing human rights mechanisms may provide a legal basis for the interpretation and enforcement of minority rights. Above all, human rights provide an ideological basis for the exercise of rights. She states that it is unimaginable that group rights could be protected in a nation in the absence of full promotion of human rights. Perhaps most importantly for the San, human rights may provide a base for other approaches concerned more directly with the promotion of group rights. Many arguments have been forwarded by those involved in promoting the notion of indigenous rights for the extension of collective rights to indigenous peoples. These arguments are consistently made in international forums and are increasingly finding ears among indigenous groups in Africa and those that are aligned with their struggles. Many of these arguments began by pointing out the limitations of individual rights. The first of these limitations is that certain rights such as those over a territory only make sense when thought of in terms of a group. The second is that human rights approaches restrain states but do not compel them to take positive action to guarantee social or cultural equality (Bowen 2000 12).

Some argue that collective rights are necessary to create political or economic equality in cases where members of minority groups, such as the San of Ntja Jaqna, are disadvantaged with respect to particular resources such as land or political representation and where such a group differentiated right would rectify the inequality (Kymlicka 1995; Thompson 1997). For others, the extension of rights to indigenous groups is simply a matter of leveling the playing field. For those making these arguments there is a clear recognition of the fact that to ensure equal opportunity in a society which is marked by cultural difference (such as post-apartheid Namibia), rights cannot be the same for all people in all cases. The concept of a level playing field is based on the premise that, if people have different starting points, they need different opportunities and incentives to reach the same goal. It follows for this argument that equal treatment of people in unequal situations perpetuates, rather than challenges, discrimination and inequality (Dean and Levi 2003; Saugestad 2001). It is this last argument that is most often articulated by San and those aligned with them during debates around the status of the San and "development" in Tsumkwe West. San consistently speak

of the need to level the field for the San and the starting point of the San as being “behind” others.

Proponents of the collective rights of indigenous peoples take great pains to differentiate their claims from those that can be made for all minorities, arguing that indigenous peoples have a special culture and tie to their territory and therefore special claims to self-determination within that territory (Bowen 2000 12). Here, a different type of argument for special rights for indigenous peoples is being asserted than those that rest on the idea that equality requires treating some groups differently than others. The argument here is that certain rights accrue to groups that were first to settle a particular territory. In this conception of the need for indigenous rights, it is the priority of residence that justifies creating a set of claims about indigenous peoples that are distinct from claims made by minorities. This type of argument is of little relevance for the San of Nṭa Jaqna as many of them were brought from across international borders to join the South African military presence in Tsumkwe West.

While many respondents claim that San people were first to settle many areas of Tsumkwe West, the common historical discourse in Namibia posits the San communities of the Conservancy as not having priority of residence and couples their entry into the area with negative acts against Namibian liberation. Thus, while arguments such as those made above may be of use to indigenous groups in Asia and the Americas, its coupling of indigenous rights to land with first occupancy works against such claims to rights to land based on the indigenous status of those San in the Conservancy who arrived in the 1970s and 1980s.

Given the difficulty of establishing priority of residence in a particular territory in the African context, San leaders and NGO staff prefer to forward arguments for San rights as indigenous rights based not on occupation of a given territory, but rather what James Anaya has termed the “remedial aspect of self-determination” (Anaya 1997 287). That is, what distinguishes claims of indigenous people to special collective rights distinct from other national minorities is that their substantive rights to self-determination have been violated more systematically than those of other groups and those special remedies that are required for the San are not required for other national groups. The following section will examine the application of the indigenous rights perspective in Africa before going on to discuss the assertion of indigenous rights on the part of the San in Tsumkwe West and the Namibian government’s response to rights special rights claims forwarded by the San based on indigenous status.

Indigenous Rights in Africa

The Namibian state currently asserts that all Namibians are indigenous. As pointed out by one observer, "One should also be aware of the complexity with applying the 'Indigenous concept' within an African colonial context in general, where the black/white dichotomy in many ways created the notion that all native Africans were Indigenous" (Haug 2007 18). In Africa, where the term indigenous has been adopted much more recently than in the Americas and other parts of the world as a tool for social and political mobilization, the current lack of a dominant colonial population converges with long histories of conquest, assimilation, migration, and movement to make the criteria for deciding who is indigenous much less clear than elsewhere (Hodgson 2002b 1037). The distinction between indigenous and non-indigenous peoples is cross-cut by so many confounding variables that the very definition of indigenous is frequently contested particularly when residential precedence is blurred as is the case in the Conservancy. In discussing the application of the term indigenous in the African context, Lee (2003) asserts that in settler societies, such as Canada and the United States as well as Australia, the question of who is indigenous is relatively straightforward. This is due to the fact that all the non-aboriginal peoples of North America are immigrants from Europe and elsewhere, arriving after 1492. Thus, in these contexts it is at least theoretically possible to draw clear boundaries around who can be considered indigenous.

Very few African countries recognize the existence of indigenous peoples within their boundaries. Even fewer do so in their national constitutions or legislation (IWGIA 2005 56; Nthomang 2001 128). Many governments of Southern Africa, including Namibia, assert that all citizens are indigenous.

Conflicts between groups claiming different rights are common in Africa as a whole and are taking place in the Conservancy. Rather than addressing the different issues and claims when the question of indigenous rights is raised on the international level, officials of African states such as Namibia are quick to make statements like "in Africa we are all Indigenous." In saying this, these government officials are making use of the literal connotation of indigenous in order to downplay the inequalities that their governments have perpetuated in their respective countries (Barume 2000 40). The positions taken by governments such as those of Namibia and Botswana, that all of their citizens are indigenous and were liberated by the end of colonialism, ignores the internal colonization that has taken place amongst African peoples for centuries. As evidenced by the case of the San of Nṭa Jaqna, what may be termed internal colonization continues to be a central problem affecting African indigenous peoples such as the San (Barume 2000 35).

African governments who fear that recognition of indigenous rights might give impetus to secessionist forces that could serve to undermine their respective post-colonial projects of nation building have demanded an air-tight definition of indigenous peoples and their rights. What much of the literature and discourse surrounding questions of indigenous rights suggests, however, is that such tight definitions are not only nearly impossible to generate, but also the need for such a definition reflects a narrow understanding of the ways in which social groups (re)define themselves and create new identities (Colchester 2002 2). Despite the debate about who is indigenous and the lack of a single clear definition, indigenous delegates to international meetings connected to the international indigenous rights movement feel secure about their own status as indigenous people and have few doubts about the claims of other groups to the same indigenous identity (Niezen 2003 21). The following quote taken from a speech given at the UN by a Tanzanian Maasai delegate underscores this confidence:

We have learned from our sisters and brothers that...we are indeed one extended family with a shared plight, a unified value system, and a deep-rooted determination to recover through restoration to humanity the ...respect to Mother earth and the fundamental human right to cultural diversity...There are people who have continued in the independent African national states period to resist assimilation impositions. They have not become any more amenable to state control now than under European colonial regimes. For that defiance they have received the stigma of resisting modernization and even of being incapable of adopting "civilized ways"...It is specifically Indigenous African cultures which are well known to have firm roots in value systems, languages, lifestyles...[that] are profoundly different from those of the mainstream population. (quoted in Muehlebach 2001 437)

Some governments such as Namibia, argue that they are bound to a constitution that provides all citizens with freedom and equality and an associated regiment of benefits and duties that "cannot be interfered with by the assertion of particular traditions" (Niezen 2003 72). The Namibian government has, on some occasions, singled out the San as beneficiaries of government programming. Namibian land policy states that "restitutions of land rights abrogated by the colonial South African administration prior to independence will not form part of Namibia's land policy" (Suzman 1999 228).

However, this policy does commit special support to all previously disadvantaged communities. In the early years of independence, the San were identified as a principal community of intended beneficiaries of land reform. This identification was not based on historical precedence on the land or an indigenous identity differing from any other traditional community in the country, but rather from what the Ministry of Lands identified as "exploitation and discrimination at the hands of fellow man" and the fact that many San are at pre-

sent in the hands of the commercial farmers and other big cattle farmers who have reduced them to modern slaves working for food and inadequate shelter” (Suzman 1999 229). It was thus on the basis of San dependency and class status that they were identified, at least early on, as potential beneficiaries of the land reform program (Suzman 2004 231).

Claims of indigenous groups such as the San to the right to self-determination have not been well received by African governments as a whole. Self-determination as conceived of by the Organization of African Unity and the African Union has, according to one writer on the subject, “tended to play an ambient role in promoting freedom and social equality of African peoples...while it represented the right of colonial peoples to be free from foreign rule, it also tended to uphold the principal of State sovereignty at the expense of minority rights protection” (Roach and Hannum 2004 421). Many African governments see claims of indigenous groups to self-determination as an affront to national unity and sovereignty. However, the overriding goal of the groups who comprise the international indigenous rights movement is not “the complex burden of statehood,” but rather “a (re)assertion of values of community and viability of the collective” (Niezen 2004 73).

In assessing the effectiveness of utilizing a strategy that includes demands for self-determination, Palayret (2004 222) argues that by asserting the right to self-determination indigenous groups are likely to be unhappy with the results. Such demands are said to do little but to alienate the state and disappoint the beneficiaries in that their demands are not likely to produce a positive relationship with the government who are likely to feel threatened by an assertion that could disrupt national unity and territorial integrity. In writing about the reluctance of Southern African governments to grant rights of self-determination to San groups, Hitchcock and Vinding (2004) assert that Southern African government positions on the issue are based on a misconception of what the San really want. According to their analysis, which is supported by assertions of San in Nǀa Jaqna, the governments have the idea that granting of self-determination will inevitably lead to conflict and tribalism. The reality is that San groups do not seek independence, but rather some form of autonomy to make their own decisions at the local level (see Hitchcock and Vinding 2004 for a discussion of goals of the San outside of the Conservancy area).

Many African governments view the extension of indigenous rights to portions of their populations as an affront to their efforts at nation building. The emphasis on national unity is said to be common to all independent African states (Saugestad 2001 68). According to these governments, the extension of indigenous rights is a potential threat to carefully constructed national unity forged through processes that include among others, creation of national slogans such as Namibia’s “One Namibia. One Nation” (Bauer 2001 34). Many African governments have made a consensus choice to under-communicate all expressions of

cultural diversity and to emphasize national unity and homogeneity (Saugestad 2001 71). The government of Namibia has followed its neighboring counterparts in arguing that the post-colonial state is one in which everyone has the same rights, responsibilities, and opportunities and that the extension of special rights to indigenous groups such as the San are not warranted or desirable against the need to maintain unity within the nation. The need to maintain the unity of the nation and potential threats to this unity was a constant theme touted by members of the governing SWAPO party during the recent 2009 election campaign in Namibia. The lack of San economic productivity and contribution to the national economy is often cited as a reason to deny special status for or confer special services to the San. Hitchcock (1996 34) quotes an official of the government of Botswana who argued that all assistance to the San in that country should be done away with because it was not fair to give an advantage to a people who do not contribute to the national economy.

It is clear that many African governments have resisted the application of indigenous status to their own citizens. They have done so on a variety of grounds. This resistance on the part of national governments to accept the claims of their citizens to special rights to land and other resources on the basis of an indigenous identity does not mean that the international indigenous rights movement, the opportunities that it provides for indigenous peoples to act at the international level, and the discourses that are emanating from the movement have not found currency among the San of Nǀa Jaqna and many of those who are supporting them in the development of the Conservancy. Before examining the circulation of indigenous rights discourse through Nǀa Jaqna, it is necessary to look more closely at the status of indigenous rights within Namibia.

Indigenous Rights for the San in Namibia

The Namibian government's treatment of the San has been inconsistent to say the least. Some Ministries have identified the San as a priority target group for development, while other Ministries cater to the needs of the San population only under broad national programs (Suzman 2001 70). While Namibian law does not discriminate against the San (nor anyone else) in word, one can certainly argue that it does so in practice by not recognizing the special needs of the San or understanding the extent to which they have been, and remain, collectively disadvantaged. While the rights of the San are catered for on an individual basis under Namibian law, the law is limited in providing for their collective rights as a minority group. There is no evidence that there has been any substantial effort to afford the San special status relative to other groups.

During the period immediately following independence, there was a great amount of hope that the government would look toward safeguarding the rights of the San to land resources, education, and development. In 1992, the Nyae Nyae Development Foundation of Namibia in cooperation with the Namibian Ministry of Land, Resettlement and Rehabilitation (MLRR), with funding from a number of international donors, organized the Regional Conference on Development Programs for Africa's San Populations. Many delegates from the Conservancy area attended this conference and it was felt that it indicated the government of Namibia's intention to deal with San issues. During the concluding session the Namibian government undertook to honor a series of commitments relating to land rights, education and culture, social welfare, and economic issues (Republic of Namibia 1992). At the follow-up conference entitled "Common Access to Development: Second Regional Conference on Development Programs for Africa's San Populations," held in Botswana in 1993, the government of Namibia reaffirmed its commitment to San development. Conference observers noted the "openness and frankness" that characterized the discussions around rights, education and culture, economic opportunities, and communication (Saugestad 2001 281). A number of resolutions were passed during the conference and those officials representing the governments of Botswana and Namibia undertook to follow up on these. While NGOs and several Ministries in Namibia have followed up on some of the resolutions passed at these conferences, the government of Namibia as a whole has paid little attention to them. Outside of policymaking on education and to a lesser extent on conservation, there is little evidence to suggest that the Namibian government has paid any attention to these resolutions.

The Government of Namibia has had no trouble upholding the concept of indigenous as defined by the International Labor Organization (ILO), and the UN, much less to ratify it in policy. Namibians popularly define indigenousness by reference to European colonialism and give the moniker of indigenous status to almost anyone born with African blood. This conception of indigenous is made explicit in the Traditional Authorities Act (Act Number 25 of 2000), which defines all Namibian "Traditional Communities" as indigenous. However, as pointed out above, in terms of the criteria by which indigenous people are defined in international law, the San are the only indigenous peoples of the Southern African region and Namibia (Suzman 2001). Saugestad (2001) has noted that the category indigenous as defined by the UN and the ILO is an "inconvenient one" in Southern Africa. However, it is important to note that despite the lack of formal recognition in policy, there is widespread informal acceptance of the fact that the San are indigenous in a way that others are not (Suzman 2001). This is the case in the Conservancy where almost all respondents, regardless of ethnic or tribal affiliation, identified the San as being especially indigenous or "first people."

Labels applied to the San in almost all Namibian languages constitute the San as first people with autochthonous relations to the land (Suzman 1999; Wilmsen 1989). Part of the rationale for rejecting indigenous as a valid social category is the policy of non-tribalism by means of which the explicit prioritization of any ethnic group or other socio-cultural group in policy terms is almost automatically vetoed. Namibia's Constitution is unequivocal on this matter. Article 10(2) states: "No person shall be discriminated against on the grounds of sex, race, colour, ethnic origin, creed, or social and economic status" (Republic of Namibia 1990 10[2]). Despite a large Oshiwambo-speaking majority, Namibia is home to many different traditional communities which articulate socio-linguistic or ethnic identities that are distinct from one another. In rural areas in particular, ethnic consciousness often prevails as a "cipher for social action" (Suzman 2001 74). Further, the policy of separate development pursued in Namibia by the apartheid regime polarized relations between ethnic groups such that by the time of independence, ethnic consciousness pervaded Namibian political and social discourse. The strategy of the Namibian government in dealing with this has been to deny ethnicity or ethnic consciousness. While such downplaying of ethnicity may be the best way to deal with problems of tribalism in the long term, it does have negative short term consequences for the San as it does not allow them to highlight the role of ethnicity in maintaining and reproducing uneven structural relations between members of the San community and others in Namibia.

As pointed out by Robert Gordon in the introduction to Dieckmann (2007), some international observers of the situation of the San of Namibia, such as the well-respected rights organization Minority Rights Group, have been critical of Namibian government policy towards the San within their borders. According to one report, the government of Namibia "have generally proved unable or unwilling to implement programs necessary to break the cycle of poverty, social discrimination and marginalization in which the majority are trapped" (ibid., XII). This report produced an angry response from prominent government officials including the founding President, Sam Nujoma. Among other things they accused NGOs and newspapers operating in the country of making money on the back of the San by "pocketing money" that they had collected under the assumption that it was going to help the San (ibid., XII–XVI). Not only has it proven difficult for the San of Nǃa Jaqna to speak of or assert rights to land or resources as indigenous people at the national level, it has also proven difficult for international organizations supporting the San to open meaningful dialogue with the Namibian state around issues of indigenous rights for the San.

Even when politicians are inclined to listen to the San rights claims as was the former Manager of the Nyae Nyae Conservancy, a San person who became a member of the Outjondjupa Regional Council, they have largely not been successful in bringing meaningful

change for the people of the Conservancy. The following quote, taken from an interview with a San leader and Conservancy staff member illustrates the frustrations felt by the San towards the government and the politicians that are supposed to be there to serve them:

C: What do you think about the government's view of the San people? What do you think the government has in mind for the people here?

R: I sometimes have a problem with the government. They do not listen to us as indigenous people. On the other side, I think that they do care if you check on the services which they have given the San people. I think that sometimes the government is trying to bring to us San what they have brought to the rest of the country. Maybe there is a weakness from the political side, the people, you know the politicians, and they play a key role in the development of our areas. Like they make a demand of the government that is that they are on their toes to make sure that they do development. Our politicians are not making sure that the government is bringing us what they should. (R25-103, 25.06.08, Mangetti Dune, no translation)

Out of frustration with a lack of positive progress towards many issues that have remained unresolved in the area, Conservancy staff consistently complain of the lack of ability on the part of the politicians to take up issues pertaining to the welfare and rights of the San and have become somewhat cynical about relying on politicians or the government to assist them in development.

Many observers of the situation of the San in Namibia attribute importance to the fact that the Namibian government has instituted a San Development Program under the office of the Deputy Prime Minister. This program is the avenue through which the Namibian government is attempting to assist the San. Initial stages of the program, in 2005, consisted of visits by the Deputy Prime Minister to various San communities including a visit to the Conservancy. She is quoted as saying that the living conditions of the San are "shocking and precarious" (quoted in Dieckmann 2007 239). The program is multi-faceted in that it focuses on training, provision of agricultural inputs, and employment placement. In the past several years, members of the Conservancy have benefited from a number of opportunities provided to the San through the program. Conservancy members took part in a beekeeping and honey production project which trained 12 Namibian San from six different regions of the county in the maintenance of honey-bee colonies (Republic of Namibia N.D.).

To date, those who received training have not been willing or able to engage in bee keeping to any extent. A coffin-making project was also instituted by the San Development Program when the office of the Deputy Prime Minister learned that San people, unlike other Namibians, were buried in plastic bags (ibid.) While some respondents remembered family or friends at least requesting a coffin from the program, by 2008 no coffins were available from the project to the people in the Conservancy.

A more successful aspect of the program is the scholarship program. Results from a social and economic survey conducted by the Conservancy in 2007 illustrate an educational deficit in the Conservancy with very few San learners graduating from high school or post-secondary institutions. Only 27 percent of San in the Conservancy have basic literacy skills in at least one language with around 20 percent having completed grade 7. In comparison, approximately 15 percent of non-San Conservancy residents have completed high-school and have received some post-secondary education (Ntja Jaqna Conservancy and Welch 2008 2). To this end, by 2007, the San Development Program had sponsored 41 San students and learners at primary, secondary, and post-secondary institutions in Namibia.

While the San Development Program can be commended for having some impact in San communities in Namibia, there are some problems with the program itself and the implementation of the program has caused some pressure on the Conservancy and its development program. In 2006, the Deputy Director of the San Development Program told a visiting fact-finding delegation from the International Labor Organization (ILO), who visited the country at the invitation of the Deputy Prime Minister to investigate the status of the San and discuss possible support of the San Development Program, that the program is small compared to other government programs with an annual budgetary allocation of approximately 50,000 Canadian Dollars, pointed to the ad-hoc nature of the programs, and the fact that the programs are reaching a very limited number of San people. According to him, “the program is not really addressing the issue given the limited resources of the program” (Komane and Christensen 2006 2).

The experiences of the Conservancy membership and leadership with the San Development Program have been mixed. The Deputy Prime Minister, in her capacity as head of the program, made one visit to the Conservancy when she arrived with a Namibian Broadcasting Corporation crew to open the newly constructed Conservancy Office in Mangetti Dune in 2006. The Conservancy leadership was happy with the show of government support that they saw demonstrated by the presence of the Deputy Prime Minister (the third highest ranking official in the Namibian government). They were also happy with the media presence and hoped that the opening of the new office would be an occasion to demonstrate how far the Conservancy had come in a few short years. When asked about the Deputy’s presence at the opening, a Conservancy staff member had the following to say:

I guess that it was good. It was like she took all of the credit in front of the camera for work done by the Conservancy and paid for by other donors. She had nothing to do with that office but just comes and makes nice faces for the cameras. (R1-3, 02.10.07, Mangetti Dune, no translation)

It was common to see the Deputy Prime Minister, in her capacity as head of the San Development Program, in the media handing over various materials to the San. It is interesting to note that the vast majority of these materials have been sourced from donor countries and do not represent a significant financial commitment on the part of the government to assisting the San (see for example Staff 2008 for an example of media portrayal of the program). The Conservancy Committee has approached the office of the Deputy Prime Minister for assistance in the past, particularly on land issues affecting the San in the Conservancy. They have done so primarily through the WIMSA Regional Secretariat in Windhoek. Despite rumors of promises of help, by 2008, no concrete action had been taken on behalf of the Conservancy membership by the San Development Program. The lack of an explanation for inaction on the part of the Deputy Prime Minister's office on these issues (Republic of Namibia, Office of the DPM 2006 1) has led many in the Conservancy leadership to view the San Development Program as lacking a real commitment to assisting the San.

The existence of the San Development Program also presents additional challenges to the Conservancy in pursuing its development program. The program has employed a handful of San speaking Namibians in its offices in Windhoek. These people work entry-level positions and have little or no impact on the program itself, its planning, or operations. Some years ago a member of the Conservancy's Management Committee was recruited to join the staff of the program but declined the offer due to difficulties that he perceived in adjusting to life in the capital and fear of the treatment that he would receive at the hands and mouths of non-San in the city (Personal Communication V.S. 2008). Another local San member of the Conservancy staff remained noncommittal to a post with the Conservancy due to potential employment with the program. Efforts on behalf of the program to find employment for San through the National Youth Service Program, the Namibian Armed Forces, Prison Service, and the program itself should be commended for its success (albeit limited) in finding gainful employment for members of the San community (Republic of Namibia N.D.). However, the program's staff has also demonstrated a willingness to "poach" San members of the Conservancy staff. While members of Ntja Jaqna's staff are free to make choices that they may perceive as benefiting themselves and their families, the existence of the program and their willingness to employ San trained by other organizations contributes to the problem that the Conservancy faces in identifying, training, and retaining San in positions of importance in the Conservancy structure.

There is also at least a perception among the Conservancy leadership that the San Development Program serves as a rival rather than complementary institution in that the program provides little to no support to the Conservancy while competing with the Conservancy and its supporting organizations for funding. The extent to which the government program

competes with WIMSA for funding remains unclear but what is clear is that the perception of competition between the Conservancy and WIMSA and the program has served to create suspicion among many Conservancy leaders as to the intentions and motivations of the only government program aimed at improving the living conditions of the San.

The level of suspicion and apathy towards the program was demonstrated by the less than enthusiastic reception that the head of the program received from a group of Conservancy staff and leaders at a meeting in Mangetti Dune where the Deputy Prime Minister was handing over a donated photocopier to the primary school in Mangetti Dune. At the same event a !Kung first-language text book was launched. Here again, Conservancy staff complained that the head of the San Development Program simply took credit for other peoples' work and simply enjoys traveling around the country "smiling and waving, getting pictures taken with small San kids." These Conservancy leaders were also quick to point out what they perceived to be a contrast between the San Development Program and WIMSA in that the Program leader took credit for the existence and delivery of the photocopier and WIMSA staff simply claimed credit for supplying some money and items that came out of their own budget towards the production of the text book (*ibid.*). The attitude of many San leaders towards the San Development Program and perceived competition with NGOs is well demonstrated in the following quote from a Conservancy leader. It is apparent that he would like to see help from the government but prefers that the government not interfere with the work of NGOs. When asked about the roles that the government and the NGO sectors should play in assisting the San, he stated the following:

I will not agree with a San program for the government and not the NGOs. If they (the government of Namibia), are going to close the NGOs then they are going to take it over then, like now, the government is trying, some development it is taking years. If something is proposed today then it will take 4 or 5 years then you will see some change but those NGOs we see them they are doing something for the San communities so I would prefer both for the NGOs to just implement some development programs for the San communities. (R25-12, 22.01.09, Mangetti Dune, translation F.G.)

Despite these shortcomings, the government of Namibia continues to use the San Development Program as evidence of its commitment to the San and its compliance with the UN Declaration on the Rights of Indigenous Peoples.

On September 13, 2007, the United Nations General Assembly adopted the United Nations Declaration on the Rights of Indigenous Peoples. This marked the culmination of years of work by the UN, member states, NGOs and indigenous groups. Many indigenous groups such as the San and those that supported them, such as WIMSA, hoped that this resolution would work to better the lives of indigenous peoples all over the globe. Namibia, in fact, had

been one of the countries that had tried to block the passage of the declaration previous to the autumn of 2007. It was Namibia, as Chair of the Africa Group of Nations in November of 2006, who motioned for the deferment of consideration of the declaration by the General Assembly “in order to allow Member States to consult with the view to adopting the Declaration before the end of the 61st Session” (Permanent Mission of the Republic of Namibia to the United Nations 2007 2).

Upon adoption of the declaration by the Assembly in 2007, Namibia claimed that from the outset it was not opposed to the idea of having a declaration on the rights of indigenous people. They supported the declaration stating that:

We as historical victims of deprivation of rights could not do anything that would be construed to deny other people human rights. We have experienced first-hand the pain and anguish of being treated as second-class citizen in the land of one's birth. Having been victims of injustice we became champions of human rights and rights of people to self-determination. We have become friends of human rights instruments. (Permanent Mission of the Republic of Namibia to the United Nations 2007 2)

This explanation of support for the declaration was then tempered by a clarification of what the government of Namibia saw as a number of legal problems that the declaration posed for the Namibian state. In so doing, the Namibian government severely limited the utility of the declaration for the San in their negotiations with the state surrounding land, political representation and economic and social development.

In the Namibian Explanation of Vote, the government placed on record its understanding of provisions of the declaration. These included the stance that the adoption of the declaration does not mean that measures taken by the state in order to secure the equal enjoyment of human rights and fundamental freedoms of indigenous peoples and individuals constitute new or special rights from those already enjoyed by all Namibians. This understanding precludes the San of Namibia from appealing to the declaration for rights such as those to ancestral lands that they did not enjoy before the adoption of the declaration.

In line with fears shared by many African governments in discussion of indigenous rights, Namibia put on record its understanding of Article 46[1] of the declaration and confirmed the understanding that the declaration does not authorize or encourage any action that would “dismember or impair, totally or in part, the territorial integrity and political unity of sovereign independent states” (Permanent Mission of the Republic of Namibia to the United Nations 2007 2). This statement is clearly linked not to San calls for independence that have been absent from discussions of San with the government of Namibia, but rather to the Caprivi Secessionist movement that rocked the country in recent years (see Diener and Hagen 2010 for an explanation of the Caprivi Liberation

movement). The Namibian state also explained that their understanding of the word law in the declaration meant the national laws of states and that the rights set forth in the declaration are limited by the constitutional framework of Namibia. This is important for the San in that it limits their ability to argue that the rights set forth in the declaration should be enjoyed by the San as indigenous or original people and that the rights contained in the declaration do not apply to all Namibians equally regardless of historical, cultural, economic, political, linguistic experience (Permanent Mission of the Republic of Namibia to the United Nations 2007).

In the Explanation of Vote, the Namibian Mission to the UN then went on to explain that in their view, indigenous peoples are part and parcel of Namibian society that are not distinct from the rest of society culturally, linguistically, or in mode of life. The government then made direct mention of the San in referring to hunting and gathering. In the words of the government, "Hunting and gathering is a transient mode of life and not a permanent feature" (*ibid.*). Here the government's view of the San and their ways of life become clearer. For the government, the San must necessarily abandon their ways and adopt what are considered other more modern, less "transient" ways of life. They then went on to recognize not the special indigenous rights of the San and other groups, but rather the existence of "marginalized minorities that are deserving of government assistance so that they are empowered to participate on equal footing with others in the life of society and to enjoy social and economic benefits occurring to all members of society" (*ibid.*). The idea of the rights set out in the declaration applying to all Namibians is a theme that the government has returned to in its reports to the Permanent Forum on Indigenous Issues since the adoption of the declaration.

At the eighth session of the Permanent Forum on Indigenous Issues in New York in May of 2009, the Namibian government clarified its position in relation to the rights of indigenous groups such as the San. In its report responding to the recommendations of the Permanent Forum on the implementation of the Declaration on the Rights of Indigenous Peoples, the Namibian government delegation categorically stated that "the term Indigenous peoples is not applicable in Namibia" (Permanent Mission of the Republic of Namibia to the United Nations 2010 1–3). The basis of this statement was the contention that all Namibians are indigenous people of their country. They did concede that the term "most marginalized people" (*ibid.*) is applicable and that these groups include the San among other groups. Here, the government affected a turn of phrase that allowed them to avoid their obligation to provide the San with special rights or rights in addition to those afforded other Namibians on the basis of indigenous status. The government then went on to provide a description of the San Development Program and national development plans, which have identified the

“welfare of San peoples as a key result area” (ibid.). While it is unclear what special advantages are afforded the San through their welfare being identified as a key result area in the Third National Development Plan, it is clear that the government feels that it has met its obligations as a signatory to the Declaration on the Rights of Indigenous Peoples through the provision of a poorly funded program that its own staff recognizes as “not really addressing the issue” (Komane and Christensen 2006 1–3). The submission of the Namibian government to the 2010 Permanent Forum on Indigenous Issues on the implementation of the declaration pointed to little additional progress in implementation of the declaration and simply stated, “our submission is more or less the same as that of last year, as nothing much has changed during the most recent time period” (Permanent Mission of the Republic of Namibia to the United Nations 2010 3). It is clear that the implementation of the declaration and the improvement of the limited San Development Program is not a high priority for the Namibian state.

The experience of the San of Nǀa Jaqna illustrates the inability or unwillingness of the San Development Program to assist the San in dealing with threats to San lands and resources and developmental paths based on these. The government’s conflating of San rights to land and resources with those of all other Namibians allows the state to present itself to the world as “champions of human rights and rights of people to self-determination” and as having “experienced first-hand the pain and anguish of being treated as second class citizens” (Permanent Mission of the Republic of Namibia to the United Nations 2007 2), while insisting that the San are not deserving of special rights that could allow for a meaningful change of the status quo under which the San are treated as second-class citizens and denied their land and human rights by other more powerful Namibians. The Namibian Government’s pronouncements on the world stage have served their own geo-political interests, allowing them to deflect criticisms leveled by other states when the Namibian delegation to the UN deferred an earlier vote on the declaration, while doing little to change the situation of the San.

The Flow of Indigenous Rights through the Conservancy

In writing about the nation-building process in independent Namibia, a prominent Namibian scholar has pointed out that in the country the growing equation of the SWAPO party with government and of the government with the state has served to create the context in which any opposition or dissent against the status quo, such as assertions of rights to self-determination or opposition to state led development programs is often considered to be hostile in nature and antagonistic to the national interests. The national interest serves the

purpose “of allowing for all kinds of authoritarian practices so that anti-national or unpatriotic can be defined as any group that resists the power of those that make up the ruling elite” (Melber 2003 11). In this context, it is difficult for the San to assert rights without being labelled as acting contrary to the national interests. Claims to special rights to land are often viewed as unpatriotic and not worthy of consideration. The San leadership of the Conservancy is aware of this, as are those NGOs and donors who have assisted the Conservancy in its development. Thus, claims to indigenous rights are rarely made on the ground in the Conservancy or in discussions between the San of the Conservancy and the government. However, rights discourses penetrate from without and are generated from within the Conservancy and the San regularly engage in what can be referred to as rights talk. The following section will trace the flow of indigenous rights discourse and talk from the international level through the Conservancy and back again in an effort to illustrate the role that indigenous rights discourses have played in framing the Conservancy and the issues faced by its membership.

San involvement with the international indigenous peoples’ movement has impacted power relations between the state and the San. The San of Ntja Jaqna have gained political strength and negotiation power through the support they are receiving from NGOs and the donor community who readily employ indigenous rights discourse in their efforts to further Conservancy aims. Due to what Ignatieff (2001) has termed the advocacy revolution, minorities such as the San have gained historically unprecedented power to make their cases known to the world. Conservancy leaders have predominately been young San men and women with basic education who have interacted with the NGOs supporting the Conservancy. They have rapidly adapted to their new roles and continue to define their position in relation to the governments, NGOs, and donor agencies active in the Conservancy environment and beyond. It is primarily in relation to these NGOs and donors that the San leadership has become exposed to, and engaged with, indigenous rights discourse. This exposure to indigenous rights discourse at the international, regional, and national level has allowed these young leaders to engage in indigenous rights talk with their government and those organizations and individuals who have provided support to the San through the structures of the Conservancy. Indigenous rights talk is now commonly deployed by the Conservancy leadership to strengthen the position of the Conservancy vis-à-vis the government and those wishing to take control of land and resources found in the Conservancy area. Particularity in relation to land and resource rights issues, the San of the Conservancy have constructed and continually re-worked an indigenous identity for themselves and in service of those NGOs and donors who support San claims to land and resources.

WIMSA

The primary conduit through which indigenous rights discourse has flowed through the Conservancy is WIMSA. With the devastating effects of the apartheid system in their thoughts, the current SWAPO government has sought to deny a place for ethnicity in Namibian politics. This means that drawing on an ethnic discourse that is officially rejected is very difficult for groups such as the San. The position of the state was clarified when prior to the establishment of WIMSA in 1996, the government expressed concern regarding the San as a target group of WIMSA programming and insisted that WIMSA should not serve the San populations only but also all other marginalized minorities in the country. The government remains suspicious of the indigenous rights movement, fearing that it could become a vehicle for ethnic politics (Dieckmann 2007 28–29). Occasionally, the government has been cited in the press stressing that foreigners and NGOs should not interfere in Namibian San politics. One such example taken from a widely read national daily newspaper illustrates the attitude of the former Namibian president:

Last week while in Rundu Nujoma said: “I know some of these NGOs and the reactionary newspapers which they represent here, they are here to make money for themselves.” He said the NGOs and newspapers raise money claiming they wanted to help the poorly developed San communities, but “then they put the money in their own pockets. They colonized us. They denied us education. Now they are the ones saying that we are the ones who are marginalizing some portion of the population.” (Quoted in Dieckmann 2007 329)

As outlined in Chapter 2, WIMSA has been active in Nǀa Jaqna since the idea for a Conservancy was conceived of by resident San. WIMSA has been instrumental in not only bringing Namibian San from the Conservancy area to international meetings concerning indigenous rights but also in engaging the international community in support of San claims to land and resources in the Conservancy. Most members of the Conservancy Management Committee have been exposed to WIMSA and its activities as a San advocacy and support organization in one form or another. The first Conservancy Coordinator was a local San who received training from WIMSA when he worked with the !Kung Traditional Authority prior to the inauguration of the Conservancy. He has also served as a WIMSA Board member for many years and has attended many international meetings where indigenous discourses have circulated. He was also exposed to indigenous rights talk as part of the training that he received from the Legal Assistance Centre of Namibia in becoming a community paralegal. This exposure to indigenous rights discourses at the international level and his experience as a Conservancy leader from the earliest days have made him and other leaders very adept at engaging in indigenous rights talk when it is conducive to do so. He has learned the utility

of such talk with donors and in building alliances with NGOs and Conservancy support organizations. He was also able to engage with indigenous rights discourse during his training to sit as a member of the emerging Namibian San Council. The young San leader said this about this role as Conservancy Coordinator and his experiences with WIMSA:

C: What do you see as your role here as Conservancy Coordinator?

R: It is difficult work... It is good for me to show the young people to do things in their own way which is the right way and to feel that they can be like me, a young man working for his community...For me when I joined WIMSA (as a WIMSA employee seconded to the Conservancy as a member of what became known as the Conservancy development team in 2003), it was not like keep quiet. I brought my needs, I told them I need this and can you help me with this. This is why I started as the youngest person in WIMSA and I came up to be a board member because I see what the need is and I want to help my community. WIMSA has helped me. Through WIMSA I have so many experiences, see so much. I know more about indigenous peoples and their rights, my rights, the rights of my San people. They helped me to see what is possible and now I am helping my community to see what is possible and try to bring what they want forward in these projects like the Conservancy. (R25-102, 25.06.08, Mangetti Dune, translated by F.G)

The Namibian San Council is envisioned as a national level organization made up of San representing all San NGOs and CBOs in the country. It is envisioned to be the link between San communities, the wider public and the government. The purpose is to build unity and strength among all San organizations and to defend the rights of the San in Namibia. The basic idea behind the Council is that when a single organization is facing a problem that necessitates negotiation with the government then the San will enter into these negotiations from a better position if all San organizations in the country are aware of the issue and can work towards solving it (WIMSA N.D. 1). While the San leadership of the Conservancy is aware that engaging in indigenous rights talk is difficult with the Namibian government, they employ such talk with donors and NGOs to further their goals. What follows is a brief account of some of the ways in which an indigenous identity is performed and indigenous rights are invoked by the Conservancy leadership in relations with donors and other support organizations and in support of Conservancy grievances with the government and other non-San Namibian groups concerning land and resource access and rights in the Conservancy area.

Personal Engagement

I first came to Nǃa Jaqna in 2003 as an employee of WIMSA armed with a degree in Native Studies and International Development and another in Anthropology and Development

Studies, an understanding of the politics of indigenous rights that is limited but expanding, and a firm belief in the rights of indigenous peoples. This belief was with me during my employment with WIMSA and remains with me today as a researcher concerned with the plight of the San. I can recollect several instances where I raised the question of indigenous rights with those around me in Namibia, San and non-San. I can also recall several instances where I shared my understanding of indigenous rights with San people and in the process perpetuated indigenous rights discourse. As I cemented my relationships with Conservancy members and their leadership, I was faced with many questions about the international indigenous rights movement and the rights of the San as indigenous people in the Southern African region and in Namibia. I learned much from my colleagues and friends and left some of my understandings with them. Indigenous rights discourse and rights talk predated my presence in the Conservancy. However, my personal and professional presence in the Conservancy and the products of my time there, this study, and other academic and professional pursuits form part of the continuing flow of indigenous rights talk and discourse through the Conservancy.

The Media

Since the establishment of the Conservancy, the leadership has engaged with local media to further the efforts of the Conservancy to safeguard resource rights for its membership. As will be seen in Chapter 7, the Conservancy leadership has now adopted engagement with the national and international media as one in a set of strategies available to them to appeal to a globalized support network made up of individuals groups and formal organizations which are sympathetic to indigenous peoples and their struggles for indigenous rights. Use of the media for political gain is a strategy borrowed from WIMSA and other indigenous rights advocacy organizations active in the international indigenous peoples movement (for an explanation of some of the uses of media by indigenous groups see Niezen 2004). In one such newspaper article, on the difficulties faced by the Conservancy leadership in establishing a carrying capacity for livestock on Conservancy land, a Conservancy press release is quoted extensively. The press release establishes the majority of the Conservancy membership as !Kung San, former hunter-gathers. The press release also stated the San position vis-à-vis non-San settlers in the area in the following way:

Land and development projects in the area continue to be high-jacked by powerful livestock keepers, posing sustainability problems to conservation. Livestock owners destroy land and appropriate project resources in pursuit of their own selfish goals. Illegal settlers who keep large herds of cattle end up appropriating natural resources meant for conservation projects.

... Marginalized and vulnerable people are pushed to the outer limits of their existence... Apart from livestock owners, tourism operators cheat community members out of their rights granted under the Conservancy to develop and benefit from tourism in the area, thereby enriching themselves at the expense of poor San people. (Staff 2004 1)

What the above illustrates is the willingness and ability of the Conservancy leadership to borrow strategies from the international movement of indigenous peoples and to adapt them to the context in which they find themselves. The press release on which the article was based uses very strong language to underscore the perceived unfairness and unlawfulness of the activities of some non-San persons in the Conservancy. It makes reference to San populations not as indigenous peoples but as poor, marginalized, and vulnerable. It makes mention of rights enjoyed by the San Conservancy members not by virtue of their San identity, but rather as granted by the national Conservancy policy. Here the San are playing to an audience in a government-owned paper that may challenge such claims to an indigenous identity or rights based on such an identity, they are using language that they think readers will be able to accept in making an argument for the need of a carrying capacity and action to be taken by the state to prevent illegal appropriation of land, natural resources, and project resources.

The African Commission

In contrast to the above example of San representations to the media, there are other times and places when the San leadership of the Conservancy has not hesitated to stress the indigenous identity of the majority of the Conservancy membership in an effort to gain ground in disputes with other Namibian interests and the Namibian state itself. Their representations to members of the African Commission as an international body which has the ability to exert pressure on the Namibian government to take action in alleviation of challenges facing the San serve as an example of San engagement with indigenous rights discourse and indigenous rights talk as a basis for negotiation. In July of 2005, Conservancy leaders and staff met with a mission visiting Namibia on behalf of the African Commission's Working Group on Indigenous Populations/Communities who were in the area gathering information on the situation of the San in the country and engaging with the state and civil society on the problems faced by the San. In this meeting, the Conservancy leadership made constant reference to their indigenous identity and status and outlined their position as an indigenous minority denied social services and educational opportunities by the state. They insisted on speaking their own indigenous language during this meeting despite their collective ability to communicate in English and highlighted their connection to the land

and resources and their responsible stewardship of these resources under the Conservancy program (Personal Communication N.T.11.12.07). The mission recommended that “The San should be provided with communal land they can call their own. Access to land and land security for the San population is the most critical element that should be addressed by the Namibian government” (African Commission on Human and Peoples’ Rights 2005 130). Here we see an example of the Conservancy leadership successfully displaying an indigenous identity and engaging in rights talk with a sympathetic international organization with considerable ability to apply pressure on the Namibian government to grant land and resource rights to the San. As we will see in Chapter 7, in discussion of a land dispute between the San of Nǀa Jaqna and the government, this early success with the African Commission is well remembered by the Conservancy leadership and efforts have been made to make use of the African Commission’s Working Group on Indigenous Populations/Communities to exert their influence on the Namibian state to resolve a land dispute between the Conservancy’s San population and the government in favour of the San.

Conservancy Donors

The circulation of indigenous rights discourse has been propelled in part by the presence of donor support for the Conservancy. As pointed out by Hohmann (2003), donor organizations on the one hand emphasize San marginalization and discrimination and on the other hand stress the survival of values and social structure labelled traditional among the San. She points out that the label of indigenous is utilized by the donors in looking for funds among a public that increasingly finds the indigenous label appealing, and to achieve cultural and political emancipation for the San at home. Many major donors to the Conservancy namely WIMSA, United Nations Development Program (UNDP), and the Integrated Community-based Ecosystem Management Program (ICEMA) of the World Bank have given funds to the Conservancy on the basis of a mandate to engage with indigenous communities. This requires that the Conservancy leadership display the indigenous identity of the majority of its members and engage in indigenous rights talk with those who support their Conservancy financially and sometimes politically.

One of the first grants that allowed the development of the Conservancy governance structures and developmental programs to move forward was a grant from the UNDP/Global Environment Facility. The UNDP has a major presence in Namibia and its own documents demonstrate a willingness and desire to engage with indigenous peoples. Their policy note on the UNDP and engagement with indigenous peoples explains that their mandate for working with indigenous groups derives from the UN Charter, the Millennium Declaration, and other conventions and declarations outlined above dealing with the rights of indig-

enous peoples. Early on in the grant application process the Conservancy leadership became aware of the UNDP's commitment to maintaining indigenous rights and supporting projects aimed at improving the conditions under which indigenous groups live as well as strengthening indigenous institutions. This fact was not lost on the team of Conservancy leaders and staff, myself included, who put the application together. The use of indigenous discourse was openly talked about and the decision was made to make use of the same indigenous rights discourse employed by the potential donor.

The application included support for the Conservancy land use plan, the production of land use maps, the creation of a tourism development plan, and transport of Conservancy leaders to the villages of Nǀa Jaqna for consultations with the membership around the implementation of the land use plans (Nǀa Jaqna Conservancy 2004b 4–7). The Conservancy application to UNDP Small Grants Program stressed the indigenous nature of the majority of the Conservancy membership (*ibid.*, 3), and used !Kung language to name people, places, and things whenever possible. The text of the document outlined potential threats to land and resources used by the San (*ibid.*, 4). The proposal also stressed the ability of the Conservancy to safeguard natural resources and cultures belonging to the San (*ibid.*, 6) to elevate poverty among indigenous groups, and to draw on indigenous knowledge in natural resource management and tourism (*ibid.*, 7). All of this was done in order to strengthen the proposal in the eyes of potential donors with a mandate to engage with and support indigenous populations. This proposal is an example of the Conservancy leadership stressing the indigenous nature of the structures and membership of the Conservancy when it is conducive to do so.

The World Bank has also been active in support the Namibian CBNRM program. The majority of support to individual Conservancies has come under the ICEMA project. For the purposes of this project, an Indigenous Peoples Development Plan was drawn up for San communities in ICEMA target sites. For this purpose, the University of Namibia Multidisciplinary Research and Consultancy Centre was contracted to develop the plan. The plan was used to ensure that the safeguards set out by the World Bank for indigenous peoples and their environments were met. The project was administered through the Namibian government's Ministry of Environment and Tourism. When Nǀa Jaqna was initially identified as a potential target site for ICEMA funding, the position of the project on the rights of indigenous peoples were made clear to the Conservancy leadership at a number of meetings. ICEMA documents make this position clear:

The Bank recognizes that Indigenous Peoples' identities and cultures are inextricably linked to the lands on which they live and the natural resources they are dependent on...Indigenous peoples are often characterized by identities distinct from that of the

dominant groups in their national society, and are thus frequently among the most marginalized and vulnerable parts of a population. As a result, their capacities are often times limited by low economic, social and legal status to defend their interests in, and rights to lands, territories and other resources. Their overall status in society also restricts their ability to participate in, and benefit from development. The Bank recognizes the vital role that Indigenous Peoples play in sustainable development and the fact that their rights receive increasing attention and action under domestic and international law. (ICEMA 2004 13)

ICEMA became one of the most important donors for the Conservancy during the implementation phase of Conservancy. The Conservancy leadership speaks fondly of their relationship with ICEMA, as do staff at WIMSA. While ICEMA stops short of pushing arguments for the extension of special rights based on an indigenous identity for the San, they have provided invaluable support in paying salaries and running costs that other organizations have shied away from. What ICEMA and its staff have done is listened to the needs of the Conservancy leaders and provided the type of support that has allowed the Conservancy to focus additional income on struggles over land and safeguarding the rights of the membership granted under the Conservancy program. It is clear to the Conservancy leaders that Nǀa Jaqna receives such important support partly on the basis of the indigenous identity of the majority of the membership. My field notes contain several references to the indigenous identity of the San and many examples of rights talk on the part of the Conservancy leadership in explaining the challenges that the Conservancy faces to ICEMA staff during visits to the Conservancy.

During a meeting between Conservancy leaders and staff and ICEMA staff in the Conservancy, it was made clear to the Conservancy that the San are considered indigenous by the World Bank and that ICEMA is not willing to get directly involved in land related disputes between the Conservancy and other people or between the Conservancy and the government but that such disputes would be mentioned in reports to the Bank as they could have potential impacts on the project outcomes. While ICEMA staff remained focused on the job at hand, such as evaluation of Nǀa Jaqna's progress in meeting project goals, it is clear that the Conservancy staff and leaders felt comfortable in engaging with indigenous rights discourse with staff of a powerful global body with substantial influence and close contact with the Namibian government in the hope that their position would be heard by those who would be able to help.

Conclusion

The San of Nǀa Jaqna have engaged with or deployed indigenous rights discourse and talked indigenous rights when it has been conducive for them to do so. In international forms such as the bodies of the UN, the San of Namibia now have a voice to further arguments for special or additional rights for the San based on their indigenous identity. At the national level the Namibian government has resisted calls to extend rights to the San as a group as they cite the possible divisions that such actions may have on national unity they have been attempting to foster since independence. In this context, it has proven difficult for the San to assert claims to their indigenous rights as outlined in international law and to land and resources based on an indigenous identity. By making such claims, the San risk being branded as unpatriotic and being seen as acting contrary to the national interests and thus dismissed. These risks are highest for the San of the Conservancy who have already been singled out by powerful members of the ruling elite who position those San who fought with SADF as being on the wrong side of the liberation struggle (for more on San involvement with the SADF see Chapter 2).

Indigenous rights discourse is in its infancy among the general membership of the Conservancy. However, as the international indigenous peoples' movement gains momentum, so has the participation of African groups such as the San in the movement. There are now a number of different conduits perpetuating the flow of indigenous rights discourse through the Conservancy in a global circulation. Both the government and the San have engaged in indigenous rights talk at different times in much different tones. The Namibian government has talked indigenous rights at the international level at forums such as the Permanent Forum on Indigenous Issues in such a manner as to uphold the basic content of the Declaration on the Rights of Indigenous People, as a responsible member of the international community, and then applied said rights to all of the citizens of their Republic. Here, a twist of the tongue and legal logic allows for the maintenance of the status quo in which the San struggle to meet the most basic of life's necessities. The Namibian San are not consistently engaged in direct indigenous rights talk with their government. This may change with the establishment of representative bodies such as the Namibian San Council, and as the San Traditional Authorities continue to improve their capacity and strengthen their institutions to better serve their people. The San have engaged in indigenous rights talk within Namibian NGOs, international governmental bodies, and donors. They have done so in order to make use of a common tongue, in order to allow the Conservancy to gain from external capacity, technical advice, financial assistance, and political clout necessary to facilitate the operation of the Conservancy as a framework for San economic, political, and social empowerment.

4 CBNRM in Namibia

Community-based Natural Resource Management or CBNRM is a rural development strategy that has been adopted by several Southern African governments, and sponsored by donors and members of civil society, in an effort to reduce poverty and safeguard biodiversity in the region. The CBNRM framework has been adopted by the Namibian government, and has come to dominate conservation and rural development discourses surrounding the communal areas of the country. Against the backdrop of failed colonial and post-colonial state development initiatives in their area (see Chapter 2), and the limitations faced by the San of Namibia in pursuing indigenous rights to land and resources via the international indigenous peoples' movement (see Chapter 3), the San of Tsumkwe West have turned much of their attention and efforts towards realization of their collective goals through support for the development of the Nǀa Jaqna Conservancy. This chapter will introduce the notion of CBNRM, examine its manifestations in the Namibian context, and explore some of the debates and critiques that have accompanied the rise of CBNRM as a framework for conservation and rural development in Southern Africa and beyond. It will then explore the experiences of the San of Nǀa Jaqna in establishing and developing a Conservancy in their area.

Critiques of Development

The following section will outline some of critiques of development that have been advanced in the literature as a way of understanding the current status of CBNRM as a rural developmental strategy. In order to understand the rationale behind the dramatic increase in the number of community-based development interventions now being championed by governments, NGOs, and international development institutions, it is important to note the perceived causes of failure of development interventions that have taken various forms to date.

Development has been described as "The active principal according to which new and higher stages of human society might emerge out of old and simpler ones" (Blaser, Feit, and McRae 2004 26). Development as a practice and as discourse has come to be seen as embodying the European enlightenment's project of making modernization into a universal (ibid., 27). Early development discourse viewed poverty as a technical problem. Accordingly, the problem of poverty was interpreted as a lack of scientific and technical knowledge that could be provided by the West through the processes of development. This vision of development was challenged by dependency theorists in the late 1970s. They strongly

criticized the technocratic approach to development, and argued that through the process of development the Third World became “underdeveloped” through the actions of the First World. These critiques treated poverty as a political process with roots in the capitalist world economy (Nustad 1996 59).

Much of the anthropological literature dealing with issues of development, appearing first in the mid 1980s, contained what may be termed “post-structural” critiques of development that can be divided roughly into two categories. In the first of these categories are those works that sought to define what failed during various interventions, and prescribed further steps to be taken to fix the identified problems. The second group contained what could be called Marxist critiques of development that criticized capitalist projects. This group contended that development interventions serve only to recreate existing inequalities in relation to knowledge and power that are themselves at the root of poverty and suffering (Ferguson 1990 11).

In his widely-read book on a development project in Lesotho, Ferguson (1990) identifies development as a “‘central value’ of our time” (XVII). In attempting to move beyond the types of studies described above, Ferguson used a case study to explore the ways in which ideas about development are generated and put to use. According to his analysis, development institutions generate their own form of discourse that construct a particular area. In the case of Lesotho, it is constructed as a particular type of object that is in need of, and ready to receive, the forms of development that are prescribed by development experts. The discourse of development is said to be formed by statements made and actions taken by development practitioners. These decisions are often based on poor research or a need to describe a given situation or problem in a manner in which stakeholders would be responsive to the available package of remedies. This discourse frames poverty as the result of underdevelopment that can be corrected through modernization and integration with a world economy in which the political and structural causes of poverty are replaced by technical ones. It is pointed out that interventions based on the aforementioned discourse may indeed fail to meet their own stated objectives, but do result in the expansion of state power, and serve to project the terms of economic and social life in such a way as to deny the operation of politics (*ibid.*, XV). Ferguson’s critiques can be seen as part of a tendency to view development as controlled primarily from the top—a monolithic enterprise managed by those convinced of the superiority of their own approach (Olivier de Sardan 2005 5)¹.

¹ Oliver de Sardan has been critical of works such as that of Ferguson (1990) that use development discourse as an entry point into the workings of development projects, based on the contention that “authors tend to choose only those aspects of the ‘discourse’ that support their thesis. Conflation is a common practice, which is moreover facilitated by the fact that terms like ‘discourse’ and ‘narrative’ are vague and have hardly benefited from an empirical mapping.” (2005 5)

Ferguson advances the idea that the most important thing about a development project is not what it fails to do, but what its “side effects” are (Ferguson 1990 234). This insight into the functions of development is put forward as an explanation of the continued interest in development projects (*ibid.*, 256). Escobar (1995) makes a similar argument about the effects of development, which are often not the stated objectives of a project, but rather the reproduction of unequal relationships on which global capitalism is based. Escobar presents an image of development institutions as monolithic, in which planners and technocrats perpetuate or impose a hegemonic order on the developing countries of the South.

In examining development discourse at the state level, Scott (1998) focuses on 1) government officials who work from documents, and 2) policies that do not—and are not meant to—capture the breadth of human activity, making the illegible legible, and allowing for human activities and environments to be understood in a way easily manipulated for the greatest possible economic output (see also Fairhead and Leach 1997). For Scott, development interventions pursued by the state that are based on modernist assumptions of the centrality of scientific knowledge have failed because those responsible for planning and implementation have not taken into consideration the role of local knowledge and informal processes that shape the everyday lives of those to whom intervention is directed at. In reacting to the fact that the dominant discourse has been informed by a specific understanding of science and modernity, Scott advocates interventions shaped by local experience and knowledge.

By the end of the year 2000, development, as critiqued by anthropologists and others since the 1980s, had been given a “discursive burial” and no one was willing to defend it any more, not even the World Bank, which, in seeking to empower, has “embraced anti-development as their praxis” (Elyachar 2002 494). Indeed, by the end of the 1990s, modernist development had done little to eradicate poverty, while development practitioners appeared trapped in a discourse they helped create to justify their own existence and remuneration, but did little to improve the lives of those that their actions targeted. At the same time, civil servants seemed preoccupied with the need to understand and manage that which they attempted to govern. It is against this backdrop that new avenues for development and new sources of discourse and knowledge have been sought. The post-structural critiques of development have given way to a focus on “differential diagnosis of developmental problems” (Sachs 2005). A shift away from centralized development planning and implementation has been coupled with a new understanding of the potential power of discourse and practices produced outside of the large development institutions and the halls of government. CBNRM has been part of this shift and has come to be seen by proponents as a framework under which many of the shortcomings of past development practices and projects can be minimized or avoided altogether.

According to Li (2007), despite the shift away from centralized planning and a focus on differential diagnoses, a central feature of developmental programming is the need for those doing development to frame the causes of underdevelopment—and their proposed solutions—in ways that allow for technical solutions. She points to the fact that project design studies may identify problems such as landlessness and debt accumulation faced by a rural community that is targeted for development, but that much of this understanding of problems encountered by project target populations is often excluded from the final project design, due in part to the planners' aversion to issues that cannot be easily addressed by technical solutions. She is critical of developmental processes, which she claims inscribe a boundary that serves to separate those who claim to know how others should live (external experts) from those whose lives are to be improved. She states that this boundary created through the processes of development intervention is difficult to overcome, and that when it is crossed successfully and the expertise of external agents challenged, the response of external experts is to search for ways or avenues through which to reassert the authority of their claims. In this respect, she sees little change between neoliberal and colonial manifestations of development. Mosse (2005) points out that Western agencies have directed massive amounts of energy into reframing development and putting distance between the colonial past and the commercial interests of today. In so doing, they seek new forms of legitimacy in poverty reduction and the language of partnership and participation discussed below.

As part of the shift away from centralized development planning, participatory development has come into fashion in many parts of the world, including Southern Africa. The basic premise underlying this type of development intervention is that inappropriate or unsustainable development has primarily been the result of top-down planning and the lack of participation of target populations at all stages of the development process. According to proponents of participatory development, maximizing participation in project planning, design and implementation by target populations will result in better designed, more effective programs (Mosse 2005 38). The move towards participatory development has most often been associated with Chambers (1983), who argues for the validity and utility of local knowledge as a positive contributor to development outcomes, positing that the poor are experts who can help to ensure appropriate and sustainable development. For Chambers, those who wish to carry out development should start from the bottom up, and invert the top-down tendencies of the past in favour of development with the people (Olivier de Sardan 2005 115). Participatory approaches to development draw on indigenous knowledge and local capacities to contribute to development. By the mid-1990s, this stance towards local knowledge was typical of NGO workers and activists outside the mainstream

of development. However, as the work of Chambers and others who promoted participatory development grew in popularity, participatory discourse and practices moved into the mainstream of development practice (Lewis and Mosse 2006).

These shifts in development thinking have been accompanied by a shift in techniques employed by NGOs and other stakeholders concerned with the planning and implementation of development. Empowerment of rural poor has now become a major goal of development interventions during all stages of the process. Proponents of participatory development utilize notions of empowerment, community participation and self-determination. In this move toward development, local people themselves are seen as active agents responsible for translating their own goals into action (Werbner 2002 59). This discourse of empowerment and community participation has been evoked by NGOs to recognize and underscore the contribution of empowerment and participation in sustainable development, as well as to demonstrate the ability of NGOs to facilitate participation of rural peoples in their own development (Hopa 1999 103). Such methods are lauded as a solution to the inability of developmental processes to accommodate indigenous knowledge by recognizing the politics of poverty and minimizing the role of the expert (Nustad 1996 68–69). Kottak (1985) in calling for more participatory development, stresses that people are much more likely to adopt a new practice if it is framed in terms of problems and issues that they themselves have identified.

The shift towards participation in developmental thinking was supported by a move towards the desirability of participation of local populations in conservation. Participation stands in contrast to what has been termed “Fortress Conservation” (Adams and Hulme 2001). As the place of people in conservation has been championed, a significant shift in the dominant narrative of conservation has taken place. Community conservation has come to be a dominant conservation narrative since the late 1990s. Underlying this narrative is the notion that conservation cannot be pursued against the interests of local people. This idea has been circulated so widely and has been absorbed so often that it is now dominant in most parts of the world, including Southern Africa. The community conservation narrative holds that conservation must be participatory in nature, and that local people must benefit economically from environmental and species protection. Initiatives carrying the community conservation label have adopted a number of forms one of which is CBNRM. CBNRM has been elevated to a near-iconic status among policy commentators (*ibid.*, 193–194). Several analysts have questioned the effectiveness of participatory tools to deliver the result or outcomes that they promise. In her analysis of a World Bank intervention in Indonesia, Li (2007) demonstrates that despite the intention of the project staff to build on localized social capital through participation, the project effectively replaced existing social capital with

new practices devised by non-local experts working for the project. Others assert that the judgments made by local participants in the project—in relation to project outcomes—is often ignored (Green 2003; Blanchet 2001 123). Li (2007) proposes that judgements made by local participants of project outcomes are often ignored due to the fact that the participatory process of identification of problems by locals often simply resulted in unsolvable problems (particularly those related to land tenure problems and disputes) being set aside by project staff in favour of those problems that could potentially be met with a technical solution that donors and project staff were ready to deliver (see Mosse 2005 91–95 for a similar argument).

Several analysts question the validity of projects labeled “participatory” that claim as a goal the involvement of local people in fostering solutions to problems identified by the community through mechanisms or actions that they themselves have helped to shape. In reflecting on an environmental development project in Honduras, William Locker writes “while the project talked the talk of participation,” the gap between rhetoric and reality was wide. He asserts that the project was framed in terms of a participatory nature in order to secure funds and that actual local participation was inconsequential (Loker 2000 303). Some argue that participation has been used more as a type of slogan by those responsible for the formulation of grant proposals than as a thought out strategy aimed at achieving true local ownership of the development process (Streeten 1997 193). The application of the participatory label to a given interventions has been criticized as a tool to conceal project goals and implementation (Mosse 2005 37). Critics argue that the participatory development processes appropriate the agency of those to be developed so that engaging in development “converts participation into a manipulative trick to involve people in struggles for getting what the powerful want to impose on them” (Esteva and Prakash 1998 138). Others contend that applying the label participatory to a development intervention does little to counter the hegemony associated with development and can serve instead to “extend technocratic control or advance external interests and agendas while further concealing the agency of outsiders, or the manipulation of more local elites, behind the burgeoning rhetoric of ‘people’s control’” (Mosse 2005 5). Li (2007) provides one example of how a powerful international conservation body (the Nature Conservancy [TNC]), utilized participatory approaches in such a manner as to disempower locals, and reassert the authority of non-local experts and the authority of the state through the use of participation as a tool to “educate the desires of villager and reform their practices” (196). Here, the participatory processes TNC created and then employed are understood as an attempt to produce rather than incorporate aspirations, and to include only sets of aspirations that were seen as “appropriate to the (TNC) project of biodiversity protection” (ibid.). For Li, the purpose of local participation in the

project under review was not to understand the developmental aspirations of villagers or to engage in debate about the desirability of various development interventions but rather to bring their aspirations in line with those of the implementing agency and its donors and to produce pre-determined outcomes (ibid., 209). Mosse (2005) also gives an explanation of the participatory framework as contradictory in that what was taken as proper participation was not defined by local participants in the project that he examines but by external project staff and expert consultants employed by the donor. While participatory methods are not without their own problems they continued to be employed and favoured by individual donors and major international funding institutions. In addition and related to this continued donor preference for participatory methods, said methods of participation continue to enjoy a prominence in the formulation of CBNRM schemes now in place across Africa, and Namibia in particular.

Community-Based Natural Resource Management

The following section will familiarize the reader with the concept of CBNRM and the current growth of CBNRM movements in Southern Africa in particular. The implementation of CBNRM will be set against the backdrop of the wider policy environment of the nation-states in which they are now to be found. The most popular CBNRM approach is the village-based land management approach. Four novel features of this approach can be identified. The first is the devolution of resource control to local communities. Second, the use of outside facilitation often performed by NGOs is a common feature of CBNRM programs under this approach. CBNRM is usually focused on securing tenure rights by clarifying access rules. A reliance on land use zoning is also an important feature of the village-based land management approach to CBNRM (Turner 1999). CBNRM as practiced in Ntɛa Jaqna follows this model. Donors began to fund CBNRM programs in the 1990s (Marcus 2001 393). The growth of CBNRM is said to have been supply driven, as donors found the convergence of rural development, popular participation, environmental sustainability, and market growth to be to their liking (Swatuk 2005 113). One commentator has pointed out that CBNRM is a largely donor-driven exercise that attempts to reconcile global agendas related to conservation with community needs (Suzman 2001 138). CBNRM is now widely promoted as the best means to conserve wildlife and other resources, while promoting sustainable development.

CBNRM is based on the idea that rural livelihoods and ecosystems in the developing world can be maintained and improved upon through the sustainable use of natural resources by local people with the support of both the state and civil society. Infused with

notions of democratization, participation, and biodiversity protection, CBNRM programs have been put in place across the developing world, and play a prominent role in the communal lands of Southern Africa. In the Southern African region, the primary focus of these programs has been wildlife and protected-area management. Veld and forest resource development and marketing has served as a secondary focus of many programs. Development of tourism initiatives has also played a role in CBNRM. Target communities usually inhabit remote areas that are adjacent, or in close proximity to, protected areas, or are areas that have been deemed unsuitable for livestock management (Swatuk 2005 95). This development framework brings a network of external stakeholders, including, but not limited to, the state, NGOs and conservation organizations into areas that were traditionally the sphere of local populations. Anthropologists may also find themselves involved.

CBNRM's growth in Southern Africa was, in part, a result of a global shift in conservation thinking that took place during the 1980s. Terms such as "wise use" and "sustainable use" replaced models based on "no use," or models based on what has come to be known as "fortress conservation" that had been seen to be unworkable. "Peoples and Parks" was the main theme of the 1982 Bali World Parks Congress. In Durban in 1992, the theme was "Benefits beyond Boundaries" and many Southern African delegates, such as indigenous leaders (including a San leader who was to become the Coordinator of the Ntja Jaqna Conservancy), attended the conference and were introduced to the CBNRM framework. The notion that nature and people were separate entities that occupied separate geographical spaces and a bias against African forms of land tenure formed the basis of 20th century conservation thinking (Neumann 1992 12–38). A comprehensive land grab throughout the continent of Africa, and the creation of reserves and parks that were to be pristine wilderness for the exclusive use of white settlers, was the result of the 20th century thinking of those in positions of power. For many Africans, conservation came to mean exclusion and dispossession. In Southern Africa, parks and reserves served the further purpose of restricting indigenous peoples' ability to feed themselves. The colonial approaches to conservation were transferred from colonial to independent regimes in many Africa states (*ibid.*, 147). Post-colonial local responses to this approach were varied, and included opportunistic use of resources at one end of the spectrum, and deliberate extinction of species at the other (Swatuk 2005 100).

The CBNRM model was born, in part, out of critiques of environmental policies constructed by the state to the exclusion of local resource users and local knowledge. These critiques were based on the premise that the state acts on simplifications of rural realities in ways that work against local aims and concerns (Fairhead and Leach 1997 35). CBNRM in Southern Africa began in Zimbabwe with the CAMPFIRE initiative. This CBNRM program

was viewed as a compromise between the needs for conservation and those of local populations. It reflected a realization by African governments and their donors that conservation efforts had largely failed local populations and that, as Homer-Dixon (1999 42) points out, not investing in conservation today means that future generations will face more complex resource scarcity that will require increased inputs and ingenuity and potentially generate violent conflict between resource users. The rise of CBNRM programs can be understood as a response to calls for conservation and development to become more responsive to local needs and aspirations. State-imposed conservation programs can cause conflict between local populations; conservation goals and the actions aimed at the avoidance of these potential conflicts must address locally-held symbolic meanings attached to land and other resources, as well as issues related to material access (Neumann 1992 225). CBNRM attempts to provide for local definition of resource management schemes that can accommodate local meanings and interactions with resources in a manner that is consistent with what are considered by policy makers as optimal use patterns. A gulf has been identified between land tenure and, by extension, resource management. This warrants caution against making the assumption that local practice conforms to state policy. CBNRM institutions are assumed to be more responsive to local conditions than those imposed by the state (Scott 1998 49). Scott points out what he considers to be a fact of social engineering—that is, that its efficiency depends on “the response of real human subjects” (*ibid.*, 225), and that if local people perceive a new initiative or order to be hostile to their own interests, they will transform an arrangement that is efficient in principal into an inefficient one. Further, in order to make development planning less prone to failure or collapse, planners should support interventions that allow for the largest possible amount of space for human inventiveness. He also calls for the recognition of the ability of participants in a given project to develop as a result of the experience and to provide valuable insight into the improvement of project design (*ibid.*, 345). As will be demonstrated below, the people of Nṭa Jaqna have moulded the CBNRM framework to fit the local context and to meet their collective goals, some of which are in line with state policy such as conservation of natural resources and economic diversification of the communal areas and others which lie outside of state goals for the CBNRM program, such as countering external claims (including those of the state) to land and resources in the Conservancy.

A growing interest in sustainable development in Southern Africa has resulted in a preference for smaller-scale development projects. The local scale of CBNRM projects allows for a development process based on an understanding of local needs, dynamics, and potentials (Cameron 2004 311). In line with the move towards the utilization of participatory methods in the development process, CBNRM includes local residents and other stakeholders in

what should be a collaborative planning and implementation process aimed at bringing the benefits of conservation and careful resource management to local community members and generating capital for investment in development projects defined by local populations.

Namibian Governmental support for CBNRM is based in part on the fact that the basic framework calls for the devolution of defined rights to community level institutions and that this decentralization of authority over resources is in line with the country-wide development plans formulated by governments of Southern Africa. Since the 1980s, many sub-Saharan governments, such as that of Namibia, have decentralized authority structures, and emphasized community associations as a means of promoting development and grass-roots democracy (Patterson 2003 38). The trend toward decentralization and redefinition of the role of the state as a provider of an enabling environment is very much in line with current international donor policies. In fact, decentralization is not only encouraged by the donor institutions but also sometimes imposed as a precondition for foreign aid. The policies of decentralization have not been uniform across Southern Africa as governments face a choice between a simple policy of decentralization aimed at maintaining the main features of existing state structure—ensuring the status quo—and a profound change in the balance of power and real power sharing between the state and local groups (Benjaminsen 1997 134–35). As will be demonstrated in the chapters to follow, the San of Nǀa Jaqna have manipulated the limited set of rights provided them under the CBNRM policy, and support legislation to redefine local power dynamics to alter the relationship between the membership and the state.

Scott (1998 93) refers to frontiers as non-state spaces. CBNRM institutions, while recognizing local knowledge, and providing a mechanism for local input into and limited control over the resources that make up the environment that they interact with on a daily basis, can be viewed as an attempt by the state to gain further access to frontier areas which most often play host to CBNRM institutions. While the CBNRM policies try to reconcile local interests with those of the state, governments often have a vested interest in the maintenance of the status quo and “even though the language of CBNRM emphasizes community control and empowerment, the underlying result is subordination to a complex bureaucratic regime, decentralized or not” (Saugestad 2001 135–136). Proponents of the framework contend that despite the potential for decentralization to result in the continuation of the status quo, CBNRM and the decentralization of authority and power over natural resources and rights associated with the development of tourism provide a policy niche and opportunities for local communities to embark on a process of communal management of natural resources for their own benefit. The rise of CBNRM can be situated within current debates in academic and policy circles around the desirability of communal management of resources.

Those supporting private ownership of land and resources tend to focus their arguments on the security provided to individuals through privatization of land and other resources (Mwangi 2005 7), and point to the fact that enforcement of rules related to communal use of a resource are often difficult to enforce (*ibid.*, 25). Arguments in favour of privatization can be said to revolve around the assumption that privatization of land and other resources can provide an ideal environment for economic investment, as individuals receive direct benefits from the development of resources under their personal control (Fitzpatrick 2005 452; Galaty 2005 37; Hunt 2005 213). Other proponents of privatization of communal land point to the gains made by many households in Kenya during the privatization of Group Ranches and conflicts based on the pattern of those with money and information access deriving more from commonly held resources while not contributing additional amounts to the maintenance of the resources and the cost of enforcement of communally derived access rules (Lesorogol 2005 3; 2008 3).

Diamond's (2005) analysis of communal resources in Montana illustrates the point that collapse of communal resources cannot always simply be attributed to selfish actions of individuals who knowingly profit at the expense of others, but rather these processes should be seen as a result of conflicts between different people with different backgrounds and values. Agrawal (2003) implies that communal resource management is not desirable or even possible in areas where the community is not homogenous, and that the interests of the powerful do not coincide with those of the larger community.

Many arguments in favour of communal forms of resource use can be found in the literature. This can be attributed to a shift to the recognition of the advantages of communal management of land and the resources on it (Fitzpatrick 2005 449; Peters 1994 12; Igoe and Brockington 1999). This recent support of communal management structures represents a significant shift in the thinking of development practitioners. Their actions were previously guided by an understanding of the links between population and the environment that lead to an inevitable "tragedy of the commons" in which individual community members are motivated by their own self-interest to increase the amount of a commonly held resource that they consume for their own benefit while bearing only a share of the cost of exploitation (Fairhead and Leach 1997 49; see also Benjaminsen 1997 and Ostrom 1990). For some proponents of communal forms of land and resource management, equality plays an important role, and it is argued that privatization of natural resources increases inequality in terms of access to these resources and the benefits derived from the consumptive and non-consumptive use of these resources (Hunt 2005 209; Peters 1994 viii).

Benjaminsen (1997) identifies a school of thought in relation to communal resource management of land and natural resources in dry land Africa based on what he terms

the “Assurance Problem Argument.” According to his analysis, members of this school of thought hold that, since developing economies are often based on the utilization of natural resources that are randomly distributed across a given national territory, there exists a great deal of environmental insecurity that may be decreased by the creation of common property institutions. Supporters of this view argue that the role of the government is to provide an enabling environment for the growth of institutions related to the careful management of locally-held resources.

Others argue that when people act with authority derived from free public support, vote, or consensus that forms a fundamental part of the CBNRM concept, the quality of arrangements concerning resource use have been fundamentally better, more durable or sustainable, and truly accepted than those imposed on populations coupled with threats of physical force or legal sanction by the state (Skalnik 1999 164). According to this view, communal ownership and management of natural resources is desirable based on the fact that it allows the authority on which rules are enforced to be locally generated rather than imposed from above. In her influential work, Ostrom (1990) argues that the state has not been uniformly successful in enabling individuals to make use of natural resources in a sustainable manner over the long term, and that communities have made use of institutions that resemble neither the state nor the market to govern common-pool resources with varying degrees of success.

Scott (1998) asserts that government administrators tend to ignore many secondary land uses in order to focus on those that are more marketable, and that any value that the land might have for subsistence purposes or local ecology is seen as backwards, based on ritual or sentimental values. He also contends that although local people have been successful in adapting their practices to environmental, climatic, and market opportunities, government specialists prefer development that leads to the greatest possible economic output with little room to account for locally-defined sources of value. CBNRM programs based on communal forms of resource use have allowed local communities to focus not only on readily-marketable products of land use such as livestock or cash crops, but also on the management of resources important to local subsistence patterns (such as veld foods, in the case of the San and other groups of Nǀa Jaqna). The programs also promote development of innovative uses and marketing strategies for those resources considered to be of secondary importance by those in government service who are removed from the rural setting.

Mosse (1997), in presenting a case study, argues that “the tragedy of the commons” is not an inherent outcome of communal property management, and that if communities are given unambiguous and secure access to and use of local resources, they are in fact better managers of natural resources than are national bureaucracies due to their ability to use lo-

cal knowledge to inform the management of a number of resources important for local subsistence and economic activity. However, the same case study illustrates that depending on the way that locally-competing interests are represented in communal property institutions, community management either opens up the possibilities for change and the empowerment of the marginalized groups, affirms elite interests in natural resources, or achieves both.

Proponents of CBNRM also point to the need to foster the role of indigenous knowledge. Indigenous knowledge is given a privileged role in CBNRM programs that rely on local knowledge in informing program planning, implementation, and ongoing monitoring and evaluation. The rise of CBNRM in Southern Africa can be explained in part by the fact that indigenous cultures have come to be recognized as a “critical resource in the global search for sustainable development because of their traditional environmental knowledge” (Blaser, Feit, and McRae 2004 10; Homann and Rischkowsky 2001). Nutic’s (2004) analysis of the potential of indigenous knowledge underscores the valuable contribution that indigenous knowledge makes to sustainable development and that the interaction between two different forms of knowledge can create an avenue through which local populations and development practitioners can have meaningful dialogue. According to this stance, this dialogue is translated into the design of projects that reflect local aspirations and actively involve community members who mobilize local knowledge for input into the intervention. It is the failure to take indigenous knowledge and know-how into account that can explain the failure of many developmental interventions in the past (Scott 1998 6). Indigenous peoples have a detailed knowledge of landscapes which they call home; spaces that may appear natural are in fact carefully managed. It should also be noted that the United Nations recognized the “vital role played by Indigenous people and their communities in environmental management and development” in the Rio Declaration of the United Nations Conference on Environment and Development formulated in 1997 (Wade 1999 74).

The increase in the number of CBNRM projects in place across Southern Africa can be seen as a result of a number of factors. These include the recognition of the potential of indigenous knowledge to contribute to sustainable development. It may also be attributed to a shift to a stronger consensus on the desirability of local management of communally-held resources. The fact that the framework fits well with governmental efforts aimed at decentralization of authority can also be seen as a factor in the prevalence of CBNRM programs. A prevailing preference for projects that are local or regional in scale has contributed to the greater number of CBNRM projects now underway. The increase can also be attributed in part to a desire to make conservation and development more responsive to local needs. A global shift in conservation thinking and move towards the recognition of the links between conservation and local resource users is important in explaining the rise of CBNRM. A

donor preference for a framework that—at least, in theory—brings together rural development, popular participation, environmental sustainability, and market growth has contributed the aforementioned expansion of the CBNRM framework in Southern Africa. The following section will examine the arguments mobilized by those concerned with illustrating the constraints and limits of the framework.

CBNRM in Question

While CBNRM has enjoyed increased prominence in Southern Africa in recent years, the experience of numerous communities involved in CBNRM has provided many insights into the difficulties associated with the implementation of the framework. According to Adams and Hulme (2001), attacks from academic circles directed at the CBNRM framework and its proponents emanate from two dissimilar positions. Some critiques come from those that are suspicious of the principals and practices of conservation, and “detect in ‘community conservation’ a shallow and perhaps even deceitful facade designed to hide old-style preservation, with its harsh colonial legacy of policing, eviction and misanthropy” (ibid., 194). For purveyors of this view, CBNRM is not a genuinely democratic conservation strategy, but rather one that masquerades as being driven by the ideas and uses of natural resources held by local resource users. Those that advance this common criticism of CBNRM find perhaps surprising support from hardline conservationists who read into CBNRM a failure of conservationists to appreciate the potential for CBNRM to compromise the preservation of ecosystems and biodiversity through the devolution of control of natural resources to the hands of local people who are seen as a threat to wildlife rather than a fostering force (ibid.). To both of these groups, CBNRM is seen as expensive and ineffective alternative to those approaches to conservation that are scientific and focused on policing of resource use.

Cheater (1999) points out—in speaking generally about techniques aimed at fostering self-empowerment such as those employed in the CBNRM framework—that those involving internal re-definitions of rules have become acceptable in development circles, but that these re-definitions involve processes of negotiation that derive their substance from former practices. These processes of negotiation are said to advantage those who hold positions of power, and the framework assumes their willingness not only to negotiate in good faith but also to withdraw from their privileged positions willingly. It is asserted that this process of negotiation, as a necessary step in formulating new rules, has tended to generate a backlash from those disempowered through the process and that this has led to conflict making the implementation of the framework difficult as has been the case in Ntja Jaqna to date. The

resistance on the part of some resource users to the implementation of CBNRM, and the rules and structures associated with the Conservancy, will be discussed in the chapters that follow. Others conceptualize power not as a zero sum game, but rather as a variable sum, not fixed but “present in all members of society and variable as a society pursues collective goals” (Hopa 1999 106). Through this perspective, the powerless may become empowered through the existing social order, and can benefit from development without causing a necessary backlash from those enjoying the use of power prior to the intervention.

In his critique, Nujiten (2002) asserts that difficulties and conflict arise during the implementation of CBNRM as a result of the focus on collective projects. CBNRM approaches are said to ignore the importance of existing power relations and the individual ways that many rural families organize their daily lives. The emphasis found in CBNRM on the group and techniques to guide group processes and the participatory approaches employed tend to depoliticize the development settling and to supersede the analysis of relations of power and political process with methodological pre-occupations.

Some observers assert that across the world, CBNRM has had only limited success in creating a positive economic impact on the countries involved in actively promoting the framework (Marcus 2001 384; Keare 2004; see also Bek, Binns, and Nel 2004 on the failure of both top-down and bottom-up efforts in fostering economic development). The connection between local involvement in CBNRM programs and an increased motivation towards conservation of resources targeted through institutional arrangements associated with CBNRM has also been questioned. One observer laments that “while villagers involved in CBNRM recognize a connection between involvement with the CBNRM institutions and the receipt of material goods, they do not make a connection between these goods and conservation” (Marcus 2001 389). The assumption that CBNRM arrangements can only work when local participation is primarily assured through potential economic gain will be addressed in the chapters that follow.

While conceding that CBNRM programs have resulted in generation of revenue, Swatuk (2005) argues that CBNRM is akin to bribery, as local people are allowed to share in revenues generated by consumptive and non-consumptive use of natural resources in exchange for their continued and sometimes detrimental co-existence with wildlife and limited access to the local resource base. It is asserted that the distribution of the local share of revenues generated by CBNRM is often far from equitable and that the narrative touting CBNRM’s success reflects not local level realities, but rather the interest of a network of stakeholders including government departments, conservation organizations, donors, and NGOs that continue to exaggerate the success of CBNRM on the basis of its value to the pursuit of their own interests.

Critics state that the ideology of modernist, top-down development prevails across Southern Africa despite the fact that it is “masked” by participatory, empowering, and community-oriented language. According to his view, coercive conservation efforts in Botswana are undermining the rural population’s collective efforts to manage natural resources (Swatuk 2005 95). This leads to the conclusion that despite the rhetoric surrounding CBNRM and the success of the framework in a variety of settings, outcomes have been varied at best. Implementation has proven difficult regardless of claims suggesting CBNRM has strengthened informal traditional usage and management of natural resources. Interestingly, a general theme has been identified of those responsible for the implementation of CBNRM programs blaming failures on the communities involved. In addition, recipient states or communities have not challenged the framework itself or the motives of those advocating the adoption of the CBNRM model such as donor agencies and international conservation groups (*ibid.*, 96). This would suggest that purveyors of the CBNRM framework have not been accountable to the communities whose interests they claim to serve.

Some have criticized the CBNRM framework for making assumptions about the neutrality of outside facilitators of the processes involved in the CBNRM framework, and about the nature of community. Turner (1999) points out that the outside facilitator, a consultant or development practitioner working for an NGO (such as myself in the early years of Ntja Jaqna’s operation), or the government, contributes in many significant ways to the identification of problems by the community during the early stages of the implementation of CBNRM. The prior views of the facilitator in relation to resource management problems in the project area will therefore influence which problems will be considered in the management of a given resource or environment. The views of the outside facilitator are said to be guided not primarily by village or regional history, but rather common property theory that provides a template through which local failure to govern resource use and conflict, as well as environmental degradation, are explained. According to Turner, the body of theory that most often informs the actions and thoughts of outside facilitators of CBNRM acknowledges the impotence of both formal and informal institutions in natural resource management. He goes on to note that despite this fact, development practitioners tend to expect the community to be a homogenous group of people jointly managing a given common resource through uncontested, clearly-defined rules of access, and that this is hardly ever the case (*ibid.*). The nature of community in Ntja Jaqna will be explored in the chapter that follows. This disjuncture between the assumptions made by development practitioners assisting in the facilitation of the CBNRM process and local realities is seen as a primary cause of poor results obtained by CBNRM programs.

CBNRM in Namibia

CBNRM was formally introduced to Namibia in the form of the Communal Conservancy Programme (CCP) under the Ministry of Environment and Tourism in 1988. Proponents of the Namibian program point out that the CCP has been successful in overcoming some of the common problems described above that have affected many other CBNRM programs in other parts of the continent. They contrast the CCP with other national programs in pointing out that the lack of effective political will, and the part played by often uncooperative bureaucrats, have served to limit the institutionalization of CBNRM in many African countries. They also point out that the transfer of responsibilities for management of resources to local communities has not been accompanied by the devolution of powers and rights that make sustainable management possible is absent in many cases. At the same time, they propose that the Namibian model offers an example for other countries due to its achievement of the right balance of national political will and flexible institutional design. The Namibian model has benefited from the experiences of earlier CBNRM attempts by Zimbabwe, Zambia, Mozambique, and South Africa. Since 1982, impetus for the growth of the CCP came from a local NGO—Integrated Rural Development and Nature Conservation (IDRNC)—that has helped communal area communities establish networks of game guards to combat poaching, with the view of increasing community income from tourism (Corbett and Jones 2000 4). Building on these models, proponents propose that Namibia has managed to generate “One of the largest demonstrations of CBNRM and state-sanctioned empowerment of local communities, which has brought remarkable economic, environmental and institutional transformation to rural communities” (Ogbaharya 2006 5).

On the basis of this success Namibia has witnessed a vast increase in the number of communities applying for a Conservancy under the CCP. The scale of this increase is underscored by the statement made by Ogbaharya: “The proliferation of communal conservancies after the 1998 ‘Communal Conservancy Legislation’ is unprecedented in Namibia or perhaps elsewhere in Africa” (ibid., 6). The first four Conservancies were registered in 1998 (Nyae Nyae neighbouring Nǃa Jaqna included). Since then, the number of communities interested in establishing a Conservancy of their own is rising. As of the end of 2008, some 29 Conservancies had been registered by the Ministry of Environment and Tourism (including Nǃa Jaqna in 2003), and a further 31 applications were being considered for Conservancy status. Some 74, 052 square kilometres of communal land have been established as Conservancy area. (Republic of Namibia N.D. 1). Many have attributed the push to establish more and more Conservancies in the communal areas of Namibia to the attractiveness of economic opportunities promised. Many established Conservancies have improving records of revenues, job creation, and increases in game numbers. For policymakers and proponents

of the framework, Conservancies serve the dual purpose of 1) making viable economic units in the communal areas of the country, and 2) protecting wildlife and increasing the size of protected area, thus improving the environmental value of communal areas (Ogbaharya 2006 6).

One observer of the growth of CBNRM in Namibia has gone so far as to contend the CCP has “sparked a grassroots movement by rural communities to integrate wildlife production activities into their livelihood strategies” (Weaver 2003 10). He points out that there are many examples of Conservancies in which substantial tracts of land have been zoned by local communities exclusively for wildlife and tourism production purposes (as is the case in Nṛa Jaqna). He points to a number of studies that have suggested that revenue from tourism and wildlife based enterprises have meaningful potential to complement and improve the livelihoods of Conservancy members. He also cites an assessment of one Conservancy that found wildlife and tourism enterprises to be more environmentally friendly and sustainable than neighbouring farms—this, in addition to providing more revenue and employment-per-hectare. Weaver champions the Namibian CBNRM movement as one that has not been driven by success documented in academic studies, but rather by members of rural communities who are “actually reaping the financial, social and economic benefits of integrating wildlife into their livelihood planning and management practices” (ibid.).

One study points out that until recently, Namibia has lacked a policy of reinvestment of natural capital and criticized the government for pursuing economic growth that has been based at least in part on the depletion of natural resources. The study compared the level and composition of per-capita wealth in Namibian and neighbouring Botswana over a period of 20 years to explore the extent to which the respective countries are using their natural capital in a manner that can be said to promote sustainability (specifically if per capita wealth is non-decreasing and if depletion of natural capital is compensated for by an increase in forms of wealth other than natural capital). The study found in Botswana the value of natural capital had increased and during the same period the natural capital of Namibia had decreased. It concluded that while in 1980, Namibia’s real per capita wealth was some 75 percent higher than that of Botswana, over recent years, Botswana has used its natural capital to build national wealth. Namibia has not. It paints a clear picture of declining Namibian-produced capital; fisheries are closing, and as mines close, they are replaced by those with a more limited operating period. Against this backdrop, Namibia is liquidating both its produced and natural capital, undermining its basis for economic development in the process (Lange 2004 259–277). Since achieving independence, Namibia has continued to struggle with economic and social iniquities, due in large part to the legacy of the apartheid. Academic observers have pointed out that the high levels of poverty and

inequality continuing to mark Namibian society have made it difficult to maintain biodiversity, and have contributed to plant-genetic erosion in the country. In the words of one commentator, “[c]ontinued socio-cultural fragmentation, economic dualism and political stratification after independence make it difficult to reach societal consensus and achieve concerted action towards addressing the issues of biodiversity conservation and sustainable use” (Krugmann et al. 2003 8). Others have pointed to a governance deficit in Namibia, and suggest that it is this lack of “good governance,” rather than a lack of resources, that is the root of underdevelopment in Namibia (Hossain and Helao 2008 208). CBNRM is viewed by the government and many of its policy makers as a vehicle for building consensus around conservation of natural resources and a driver of economic development in the isolated and lesser-developed communal areas of the country.

While a number of economic and environmental factors explain governmental support for CBNRM, the San of Namibia have come to support the implementation of CBNRM for some additional reasons. As has been demonstrated above, the San have not benefited in a meaningful way from developmental interventions in Tsumkwe West in both pre and post-independence eras. Much like the San in other areas (Taylor 2006), the San of Nǀa Jaqna face continued pressure on their land and resource base, while national policy fails to provide for their historical experiences or particular needs. The San have also faced challenges in arguing for land rights based on an indigenous identity at the national level. In this context, they are left little option but to pursue land and resource rights under national policy frameworks such as CBNRM. While CBNRM was initially conceived as a mechanism to promote conservation and economic diversification of the communal areas of Namibia, it has also provided an avenue for the San to (re)gain limited rights to land and resources. In gaining management over resources under CBNRM, the San of Namibia have set up Conservancy structures which have enabled them to increase their political voice and to pursue rights beyond those provided to them under the national CBNRM framework. The implementation of the CBNRM framework in Nǀa Jaqna has enabled San members to expand their collective understanding of what is at stake in their management of natural resources and attendant tourism operations. This has given the Conservancy leadership an opportunity to clearly identify and formulate responses to the challenges that the San face in obtaining and maintaining additional rights to land and resources.

Legal Framework of Conservancies in Namibia

The Nature Conservation Ordinance of 1975 granted white farmers the right to establish private nature conservancies on their land. While the law enabled white farmers to gain

great benefits from private conservancies, wildlife in rural areas inhabited by black Namibians were placed under the ownership of the state. Since black residents of the communal areas were legally excluded from the use of wildlife, they resorted to illegal hunting and cooperated with poachers. A major consequence of this situation was that in the private conservancies on white-owned land, wildlife populations prospered while at the same time, communal areas suffered an acute loss of wildlife (Ogbaharya 2006 5). There was a political demand at independence to transfer the benefits to be had from wildlife on private lands to the communal areas of the country (Hoole 2007 8). The post-independence government therefore sought to reform the inherited colonial land tenure—granting communal area residents a vital source of economic advancement and political empowerment that was denied them by the Nature Conservation Ordinance. Hence, in 1995, the MET approved a policy entitled *Wildlife Management, Utilisation and Tourism In Communal Areas*, which aimed to create equitable rights to wildlife between freehold and communal area residents, and to emulate the recovery of wildlife populations which had taken place on private conservancies in the communal areas of the country (Weaver 2003 5).

Since its inception the Namibian CCP has focused on wildlife. As such, the Nature Conservation Amendment Act of 1996 is the most important model at an institutional level related to the implementation of the CBNRM approach in the country as it contains provisions for the formation of Conservancies such as Ntʼa Jaqna. The Namibian Conservancy model is loosely-defined, and has allowed a degree of flexibility that has provided opportunities for local resource users to implement successful Conservancies throughout the country. The Namibian Ministry of Environment and Tourism, from early on, sought to achieve CBNRM through participatory planning. In a policy paper from 1994, it was stated that “The Ministry recognizes that the success of all development projects will rest on the extent to which local communities have participated in the planning of land use and have real decision making power” (Cited in Hohmann 2003). From an early stage, the Namibian government was—at least on paper—committed to bringing wildlife under the management of communal area residents.

The current legislative and policy framework permits residents of communal areas to come together to form Conservancies, which, through a process of registration, have exclusive rights over the use of game (game owned by the state and use rights are conditional on what is termed “sustainable use”), as well as rights to benefit from commercial tourism in the area. It is important to note that rights in relation to wildlife granted under the CCP include rights to hunt, capture, cull, and sell huntable game such as springbok, oryx, and kudu under quotas established by the MET, as well as the use of quotas of protected game such as elephants for trophy hunting. Wildlife rights under the Conservancy framework are not

outright ownership, but rather a form of stewardship, which points to a form of partnership that is said to be formed between the government and communities around use of wildlife (Suzman 2001 130). Hence, in Nǀa Jaqna, residents are prohibited from hunting for “own use” (under legislation not related to CBNRM), but could benefit from an own-use quota given by the MET. Nǀa Jaqna must also negotiate their trophy-hunting quota with the MET. The government still remains in control of game hunting and negotiates with the Conservancy largely on the terms that the government sets.

One of the most important conditions for the granting of rights associated with the CCP is that the Conservancy must establish a committee that is representative of the people residing within the Conservancy, and the bounties must be clearly identified. Interestingly, the framework does not clearly delineate how this representation of the community on the committee is to be measured, but leaves the door open for some sort of electoral or less formal process. This informal option is made available to the communities applying to the government in recognition of the distances, under-developed communications infrastructure, and the small amount of expendable resources available to the people of the communal areas of the country.

While the policy and legislative framework in place in Namibia should be commended for its flexibility, as we will see below, the issues of boundaries and representation have provided both opportunities and challenges for the San of Nǀa Jaqna. Also of significance for the people of Nǀa Jaqna is the fact that the policy and legislative framework of the CCP calls for one member of the Conservancy Committee to be a member of a Traditional Authority (TA). This stipulation is intended to create linkages with the Conservancy Committee and the TA. As will be seen in the chapters that follow, the role of the !Kung TA in operations of the Nǀa Jaqna Conservancy remains unclear and contested. Other than the stipulation that one member of the committee should be a member of a TA, the choice of committee members is largely left to the registered community members to decide. There is no requirement that the committee must be sanctioned by the local or regional political structures. In Nǀa Jaqna, local and regional political support for the Conservancy Committee has been far from consistent, and some local and regional politicians have attempted to pin the existence of the Conservancy on their support or lack of it. An important further requirement is that a Conservancy must have a constitution that demonstrates a commitment to sustainable implementation of CBNRM and include a mechanism for equitable distribution of Conservancy benefits (the particulars of the constitution of the Nǀa Jaqna Conservancy and its Benefit Distribution Plan will be set out below) (Corbett and Jones 2000).

According to the Nature Conservation Amendment Act, once it is officially registered, a Conservancy, represented by the Conservancy Committee, has the right to consumptive

and non-consumptive use and sustainable management of all game in the Conservancy. Generally, non-consumptive use is linked to tourism. In the past, all tourism and hunting concessions were granted by the state which resulted in conservancies not having a strong say on concessions awarded within their boundaries. Since its establishment, Nǃa Jaqna has been reversing this trend by acting as the contracting party to trophy hunting and tourism concessions in the Conservancy (ibid.).

The implementation for the Conservancy policy has not been entirely smooth in Namibia. Some scholars have pointed out a gap between the intent of the policy and legislation related to CBNRM and its interpretation and implementation on the ground. Much of this gap is said to have originated due to a complex process through which CBNRM policy and attendant legislation first was conceived, and then implemented by the government with its partners. The Conservancy policy and legislation of the Namibian Ministry of Environment and Tourism was formulated following what have been called participatory community-level surveys. This process of formulation was largely the responsibility of a policy and planning Directorate in the MET, namely the Directorate of Environmental Affairs (DEA). However, this Directorate could not be responsible for implementation of the policy as it did not have field offices in the communal areas of the country or regional or field staff. Hence, within the MET the Directorate responsible for implementation is the Directorate of Resource Management (DRM). The DRM has partnered with NGOs and the communities themselves to implement the policy. In an effort to ensure the consistent implementation of the policy, the government produced and distributed a “Toolbox for Communal Area Conservancies” (Republic of Namibia N.D.). This toolbox is supposed to contain the relevant policies and some notes on how to implement these and it was hoped that the toolbox would help to guide the establishment of the Conservancies. I can recall that the toolbox was of little use to those attempting to implement the policy in Nǃa Jaqna, due largely to the fact that we were provided with a photo copy of the toolbox that was incomplete (there were several pages missing), and hard to follow (many pages were out of order and upside down). Some years after the establishment of the Conservancy a complete, nicely bound version of the toolbox was given to the Conservancy but it largely remained on the shelf in the office. One of my field assistants spent several days pouring over its contents before returning it to the office, and informing me that it was of little use to him as a member of the Conservancy Management Committee. Additional reasons for the gaps between policy and implementation—in addition to the bureaucratic situation, which saw one directorate formulate the policy, and then another being tasked with implementation—include bureaucratic conservatism, and the desire to hold on to control by various governmental actors and a lack of confidence amongst officials in the ability of rural communities to manage wildlife in a sustainable manner (ibid.).

Conclusion

CBNRM has become entrenched in Namibian policymaking and political circles as the primary means to achieve the dual goals of conservation of biodiversity and the economic diversification of rural livelihoods in the communal areas of the country. Despite many criticisms of the framework and examples of challenges faced in implementing CBNRM, the number communal areas being granted or applying for Conservancy status is on the rise in Namibia. Both the government of Namibia and those communal area populations engaging in CBNRM have their own reasons for and manners of engagement with the framework. Now that the CBNRM framework and Namibian policy has been outlined, the implementation of the framework in one communal area of Namibia and the experiences of the San of Ntʼa Jaqna and their involvement in CBNRM will be addressed.

5 CBNRM in Nǀa Jaqna

Much of the literature on CBNRM has focused on the efficiency of the framework for providing conservation and economic outcomes, and the ability of CBNRM to offset the costs of conservation incurred by localized groups of resource users. This chapter represents an attempt to move beyond these questions, and to focus on the extent to which the implementation of CBNRM has given rise to environmental, social and institutional transformation in Tsumkwe District West. What follows is an examination of San experiences with the planning and implementation of CBNRM in the Nǀa Jaqna Conservancy. This will be presented through a discussion of a number of themes emanating from the discourses surrounding CBNRM as a framework for rural development in the communal areas of Namibia and elsewhere in the region. This chapter will also examine the extent to which Nǀa Jaqna meets the design principals illustrated by enduring common property resource institutions such as the Communal Area Conservancies of Namibia. Many of the experiences of the San-speaking residents of Nǀa Jaqna reflect challenges faced by other San groups in the region. What emerges is a picture of the San not as simple recipients of government programming or as passive victims of social, economic, and political marginalization, but rather as active participants in a complex, politicized, and contested developmental process.

The Nǀa Jaqna Conservancy and the “C” in CBNRM

A key element in the success of CBNRM is said to be the presence of an identifiable community to which natural resource management can be devolved. Ostrom’s (1990) research suggests that individuals or households who have rights to appropriate resources in a given common property resource institution, such as the Conservancy, should be clearly defined if the institutional arrangement is to be sustainable over time (Ostrom 1990 91–92). However, the community that is to use and manage resources under CBNRM arrangements have been defined in a number of different ways. Most commonly, community is place-based and geographically defined. Community has been portrayed in three common ways in the wider literature on CBNRM. This section will explore how each of these conceptions of community is problematic for the people and structures of the Nǀa Jaqna Conservancy. These conceptions are:

- Community as a small or localized spatial unit;
- Community as a homogenous social structure;
- Community as shared norms (Charnley and Poe 2007)

Each of these conceptions and their application to the community or communities of Nǀa Jaqna will be taken up in turn. Before doing so, it is important to note that the CCP and attendant legislation leaves communities to define themselves, and does not rely on administrative boundaries or those of a political nature to determine who gains rights and benefits. This approach has largely worked in areas where there are small socially cohesive groups and where the community of residents coincides with the community of resource users. However as in Nǀa Jaqna, conflicts have emerged where there are large numbers of people (Nǀa Jaqna has at least 4,500 residents); where there is high ethnic diversity (Nǀa Jaqna has one dominant language group, the !Kung who make up around 75 percent of the population but at least 8 other ethno-linguistic groups represented in its resident population); and where cattle owners from other areas of the county use grazing lands in the Conservancy as is the case in Nǀa Jaqna (Corbett and Jones 2000). As will be demonstrated below, the notion of community in Nǀa Jaqna is fluid, and has been reformulated among local residents as a result of the implementation of CBNRM. Leaving communities to define themselves does not make the definition of community any more clear among the residents of the Conservancy or for academic observers. If the rights, benefits, and responsibilities created by the Namibian CBNRM program are indeed community-based then the definition of community takes on particular importance.

CBNRM as a social policy was conceived of by conservationists and the policy frames a number of sociological concepts in an unproblematic manner, including that of community. In the Namibia of today “where social identities forged at the interface between modernity and tradition are increasingly fluid and ambiguous, the notion of ‘community’ is often difficult to establish let alone sustain” (Suzman 2001 139). Such difficulties have come to the fore in the case of Nǀa Jaqna. The difficulties in establishing a clearly defined community in the Conservancy area became apparent through the attempt of the !Kung Traditional Authority to gain recognition from the government for the Conservancy. This process was delayed due in part to a concern held by some government officials that the people of Conservancy were neither homogenous in nature nor unified in social structure. Similar problems were also experienced in the Nyae Nyae Conservancy (which is much more ethnically homogenous than Nǀa Jaqna) when that Conservancy was being established for the Ju’hoan people (Nyae Nyae was originally ethnically exclusive based on a Ju’hoan identity), and as a result the Ju’hoan communities in central Tsumkwe District are now excluded not only from the Nyae Nyae Conservancy but also from the Ju’hoan Traditional Authority (a theme to which we will return in the discussion of the !Kung Traditional Authority in following chapters). These communities are now found in District One of the Nǀa Jaqna Conservancy, while maintaining ties to the Ju’hoan communities of Nyae Nyae. The concept of communi-

ty in Nǀa Jaqna as being based on a homogenous social structure has proven difficult to apply in the past and remains so as the Conservancy continues to be marked by heterogeneity.

The concept of community as a small or localized spatial unit is problematic in Nǀa Jaqna, due to its large size. Small group size and the location of users close to resources have been put forth as some of the features of enduring common property resource schemes (Ostrom 1990). These conditions are not well represented in Namibian Conservancies such as Nǀa Jaqna. The Conservancy is the largest in the county, covering some 10,120 square kilometres, and has more than 20 settlements spread out over this area. It certainly is not a small spatial unit, and while participating group sizes in terms of village membership may be small, they are widely dispersed across the Conservancy landscape. The membership of Nǀa Jaqna has attempted to meet the challenge of having a spread-out membership by the creation of four administrative districts within the Conservancy, each of which has its own committee. District offices have yet to be built due to a lack of resources for the purpose, and the result has been some complaints from the membership that the Conservancy is only benefiting those members clustered in villages around its main office at Mangetti Dune (Nǀa Jaqna Conservancy 2005b 2; Nǀa Jaqna Conservancy and Welch 2008 11). Servicing and meeting the expectations of such a large community has proven difficult for the leadership of Nǀa Jaqna. The size of the Conservancy makes the operation of Conservancy structures and communication within and between community members extremely difficult. There are very few land lines in the Conservancy and no cell phone service. Few local residents have automobiles and thus are reliant on government and NGO vehicles as well as the odd private truck bringing supplies into the area for the possibility of a lift. Community as a small bounded spatial unit seems to make little sense in this context.

Secondly, the conception of community as a spatial unit overlooks certain groups such as migratory persons who seek seasonal labour in areas outside of the Conservancy, demonstrated by the 24 percent of the Conservancy residents who rely on remittances from family members who work outside of the Conservancy but consider themselves part of a community in Nǀa Jaqna (Nǀa Jaqna Conservancy and Welch 2008 3). Others that may not be included in this conception of community are newcomers to the area whose place of residence may not be fixed or certain. Some respondents informed me that they are currently staying with relatives and would like to set up a permanent home in the Conservancy, but are waiting for a land allocation by the chief or a re-settlement plot from the government.

Such problems of defining community are not confined to Nǀa Jaqna. The defined geographical unit conception of community finds its way into important governmental legislation. Namibia's Access to Biological Resources and Associated Traditional Knowledge draft legislation has defined a local community as "a human population in a distinct geographical

area, with ownership or stewardship over its biological resources, innovations, practices, knowledge, and technologies governed partly or completely by its own customs, traditions or laws" (Krugmann et al. 2003 13). This definition can be seen to make sure that outsiders (here people not resident in the given distinct geographical area) cannot be included in local community. However maintenance of such a definition is difficult in the face of the fact that close relations of kinship and other social ties are often located in diverse and distinct rural and urban geographical areas. Also, relations between different ethnic groups sharing a local area or between households within a localized area can be exploitative rather than collaborative in nature (*ibid.*), as is witnessed in the villages of Nṭa Jaqna where some San speaking people are exploited as cheap labour by households belonging to other ethnic groups such as the Herero or Kavango. In Namibia, stratification and fragmentation by age, class, race, gender, and political affiliation, to varying degrees, is the rule and not the exception in the majority of local communities (*ibid.*).

Nṭa Jaqna plays host to a number of San who do not have National Identification documents issued by the Namibian government and, consequently, do not have proof they are Namibian citizens. Further, this means they do not have the required documents to show they have a right to reside in the communal area where Nṭa Jaqna is situated. For many Conservancy members, National identification documents remain elusive due to prohibitive costs of application and a lack of transport to centers where there are Home Affairs offices. Many San Conservancy residents born in Angola do have Angolan identification documents, but have been unsuccessful in obtaining Namibian documents. Many San born in Namibia to parents of Angolan birth do not register for Namibian Identification Cards for fear that their parents may be asked to leave their homes in Namibia. Some San have said that they tried to register their children for National Identification Cards at Home Affairs offices in the regional capital of Otjiwarongo or Windhoek. These parents tried to hide their Angolan birthplaces from registering officials, but the Home Affairs computer system had a record of their foreign birth on file. In a meeting with a high ranking government official, the issue of national identification documents was discussed in relation to those born in Angola who moved to the Conservancy during the independence struggle and their children. During the heated debate about the fate of these people, a story emerged recounting the experience of a young woman from the Conservancy who in attempting to secure a card at a mobile office was beaten by the Home Affairs staff and told to return home to Angola. According to a member of the National Police Service present at the meeting, the incident had been reported to the police. Regardless of the outcome of criminal proceedings, incidents such as this have done little to bolster the confidence of San who are seeking proper government-issued Identity Cards and the rights that go with them. The government

announced in 2008 that it would attempt to rectify this situation by opening a Home Affairs Office in Tsumkwe (Nǀa Jaqna Conservancy 2008a 9). A year later the office was only able to handle registration of births and deaths, and was ill-equipped to deal with National Identity Cards or passports (Nǀa Jaqna Conservancy 2009a).

Transport to Tsumkwe remains difficult for many Conservancy members who struggle to obtain the money necessary to pay application fees. The opening of the Home Affairs office in Tsumkwe resulted in the loss of Conservancy manpower, as the Deputy Coordinator left to take a clerk's post at the new office (Nǀa Jaqna Conservancy 2008a 9). Issues of community membership remain clouded by the fact that many Conservancy residents are still without documentation that would allow them to access government services and to reside in the area free of fear of harassment at the hands of government officials or deportation to a country that many of them have never seen.

The concept of community as a homogenous social structure can be understood as existing when many community members share the same language, cultural practices, and ethnicity (Charnley and Poe 2007). Homogeneity among group members is another feature suggested by Ostrom (1990) and Agrawal (2003) of enduring common property resource schemes. The casual onlooker might consider the Nǀa Jaqna community similar to the San community of Tsumkwe West due to the history of the area (see Chapter 2). San-speaking groups do make up some 84 percent of Conservancy residents (Nǀa Jaqna Conservancy and Welch 2008 3). However, as seen in Chapter 2, these groups have different dialects, places of origin, leaders, and individual or collective histories. While the majority of Conservancy residents share the common ethnic moniker of San, this does not necessarily mean that they are entirely homogenous in terms of social structure nor does it mean that the San of Nǀa Jaqna form one community. The leadership and staff of the Conservancy and the NGOs supporting them are aware that this conception of community is popular among proponents of CBNRM and have presented the communities of Nǀa Jaqna as a homogenous San population in proposals to donors (Nǀa Jaqna Conservancy 2004b; Nǀa Jaqna Conservancy 2004c), in an effort to fit the model of community onto which CBNRM is grafted. Such representations to outsiders are indicative of the prevalence of this form of community in the discourse surrounding CBNRM and willingness of the Conservancy leadership to fit with donor expectations while in reality confronting the impacts of being a heterogeneous community regularly. For a discussion of the homogenous consensual village in Africa as a myth and the receptiveness of the practice of development intervention to said myth see Olivier de Sardan (2005 73–74).

In addition, similarity within groups such as the San does not necessarily mean that resources will be managed in egalitarian ways (Agrawal 2003 312). This is of particular sig-

nificance as many members of the Namibian public, researchers, donors, and policy makers are aware of the egalitarian past of many San groups and run the risk of essentializing the San and their management of resources under CBNRM as egalitarian in nature. Li (2007) underscores the ability of these community projects to “locate the model for the perfected community in an imagined past, to be recovered, so that intervention merely restores community to its natural state” (233). Under current conditions a shared past for the people of Nǀa Jaqna must be imagined if it is to be the location of the perfected model of community.

Under this conception of community as a homogeneous population, the shared characteristics of community members are said to distinguish them from outsiders. In Nǀa Jaqna the question of who is an outsider is indeed contentious. For example, some respondents informed me that San-speaking people who came to the area of the Conservancy from Angola during the liberation war are outsiders despite being San-speaking and appearing, on the surface at least, to share many characteristics with people who identified them as outsiders. Some government officials have openly differentiated between Namibian born San and those who came from Angola in the not so distant past. The following quote illustrates the emphatic nature with which some Conservancy members define community in relation to the Conservancy and outsiders:

R: The Conservancy is for the !Kung. It belongs to the !Kung only, it is not for the newcomers. It is only for the !Kung community.

C: What about other San, San people who are not !Kung like F. here (point to research assistant who identifies as Hai||om)

R: Conservancy is for the community, the community of the Conservancy is the !Kung. (R25-05, 22.11.07, Mangetti Dune, translated by F.G.)

Other respondents had a more geographical notion of community but still made an effort to differentiate between long-term members of the community and newcomers. Here is one such example:

C: As you understand, who does this Conservancy belong to?

R: ...this Conservancy belongs to the communities that are settled here.

C: Is that for everybody who lives here San or non-San, what about me I am living here is it mine also?

R: It depends, some of the other tribes here, some, they have been here for many years, they may be the members of the Conservancy but some of the new comers they cannot just jump in to become the members they are not part of the community. The old people who are here, the other non-San communities who we know, we know each other, they may be the members they are part of the community. (R25-24, 22.02.08, Swart Tak, translated by F.G.)

In Nǀa Jaqna, applying a conception of insiders with shared characteristics that can be readily used to distinguish them from outsiders is difficult and certainly not a matter of consensus within the community. Social scientists caution against underplaying or denying heterogeneity and workings of power, which are said to exist in rural communities and can serve to marginalize less powerful elements of the community (Agrawal and Gibson 1999; Leach, Mearns, and Scoones 1999; Li 1996). As outlined in Chapter 2, each village in the Conservancy has a heterogeneous mix of residents in terms of language, land use preferences, and origin as a result of the particular history of flows of people, a marked tendency for multiple movements of families within the Conservancy and movement into and out of the Conservancy. In addition, the military presence in the area continues to mark the landscape and social structure in terms of residence patterns in and around military installations and infrastructure, and in terms of continued use of once military infrastructure (including roads, buildings and homes and water installations in many of the villages of Nǀa Jaqna).

Actors in CBNRM experience various degrees of inclusion and exclusion due to the fact that processes of decision making within CBNRM are not immune to the influence of social inequalities (Charnley and Poe 2007 314). A large body of academic work concerned with social difference has highlighted the ways that gender, wealth, age, origins, and other aspects of social identity work to divide and crosscut so-called communities. However, serious attention to social difference and its impacts on community have been largely absent from the recent wave of concern with community in environmental policy debates (Leach, Mearns, and Scoones 1999 230). The experience of Nǀa Jaqna's neighbouring Conservancy to the east—Nyae Nyae Conservancy—demonstrates that while a communalizing discourse is central to CBNRM, it is evident that some benefit more than others. In that Conservancy, the majority of the population had high expectations for the financial rewards that they might gain from their Conservancy and were disappointed when it was realized that villages with campsites reaped greater cash rewards than those without one (Suzman 2001 138). Age, origin, wealth, and land use are important markers of social difference in Nǀa Jaqna and can be seen to have impacts on the extent to which the Conservancy empowers, disempowers, silences, and amplifies various groups of people resident in the Conservancy.

Finally, the concept of community as shared norms and common interests implies that all group members have similar values and sets of preferences (Charnley and Poe 2007 311). Shared norms may in fact facilitate resource conservation, if they are present. At the same time, these shared norms may not support conservation goals established outside of the community of shared norms and interests, such as those set by the government in Namibian CBNRM. Indeed, CBNRM as a set of concerns and actions discrete from others is a product of not only government and interests groups or civil society, but also of scholarship

(Hoole 2007 21). In Nṣa Jaqna, residents clearly do not share the same common interests in resources; some want to exploit wood found in the area on a commercial basis, while others wish the wood to be used for domestic fuel and building purposes only. Others see forests as areas of tourism potential that should be modified to extract maximum value from visitors to the area. Still others see woodlands as habitat for game which can be managed for non-consumptive use, such as tourism and photographic safaris and still others as a theatre for lucrative trophy hunting. Furthermore, government officials living in the Conservancy have demonstrated that their interests as members of a given community within the Conservancy often do not match those of the wider community that they are in the area to serve.

Although communities are rarely in practice homogenous or free of conflict, some researchers have identified instances where invented or “simplified” community identities have been mobilized successfully in pursuit of political objectives (Brunner et al. 2005; Hale 2006). Such is the case in Nṣa Jaqna. There, a new form of community, based on Conservancy membership has been formed so that community and Conservancy membership have become synonymous in the eyes of many Conservancy residents. The basis of this community is an amalgamation of geographic residence (the Conservancy Constitution limits membership to those individuals who have lived in the Conservancy for 5 years or more or those who marry a member), common interest in seeing the Conservancy program continue to exist and to prosper (Conservancy membership is optional and requires that those wishing to join must take on responsibilities that come with certain rights and potential benefits), and common interest in defending land and resources from outsiders of various sorts via Conservancy structures (this new community has formed partly in opposition to those who would wish to see Conservancy lands transferred to private hands or other government programs (see Chapter 7). As Li notes:

The extent to which practices of government form groups rather than isolated individuals, critical insight is potently shared. One of the inadvertent effects of programs of improvement is to produce social groups capable of identifying common interests and mobilizing to change their situation. Such collectives share their own internal class, ethnic and gender fractures. Their encounter with efforts to improve them forms the basis of their political ideas and actions. (Li 2007 26)

The membership of Nṣa Jaqna has debated and adopted clearly-defined membership rules (codified in the Conservancy Constitution) that regulate which individuals or households have rights to use and benefit from the resources of the Conservancy. These rules are congruent with the design principals illustrated by enduring common property resource institutions identified by Ostrom (1990). However, the process of establishing the Conservancy did not graft CBNRM onto a neat and discreet community capable of emulating government

interests in conservation and certain forms of economic development in the communal lands, as expected by the architects of the government's CBNRM policy but rather, created a new community which has grafted their interests onto CBNRM.

It is clear that community can be conceived of in various ways, that a village or a Conservancy is "united by tradition, cemented by consensus, organized around a world view and regulated by a shared culture" (Olivier de Sardan 2005 188). The implementation of CBNRM in Nǀa Jaqna has given rise to a new form of community, one that is linked to the creation of the Conservancy. Yet this community does not resonate with the discourse surrounding CBNRM, generally, and has little resemblance to community as conceived by the conservationists who played a strong role in the drafting of Namibian CBNRM policy and legislation or community as commonly perceived by academics.

Community in Nǀa Jaqna is viewed here as an arena, one in which strategic groups vie under the rubric of CBNRM for their discrete interests, one in which conflict and consensus exist together, diverse world views and cultures come together and are marked as much by difference as by commonality.

Boundaries and their Making in the Nǀa Jaqna Conservancy

The co-existence of people and nature, as distinct from protectionism and the segregation of people and nature, is a central characteristic of the CBNRM approach (Hoole 2007 3). Ostrom (1990) points out that clearly defined boundaries of resources to be used are an important element of institutional arrangements for common property resource management that are capable of enduring over time. The making of boundaries and the use of maps to demonstrate and understand boundaries has become increasingly significant to CBNRM in Namibia. However, the socio-political implications of this, heightened by the uncertainties related to land reform, have received little attention to date. In Nǀa Jaqna, boundary-making has been a contested and difficult process. The efforts of the leadership and membership of the Conservancy to establish boundaries have resulted in a new set of ideas being inscribed on the landscape and has provided an opportunity for the San of Nǀa Jaqna to further their interests in control of land and resources via Conservancy structures and institutions. The following section will explore boundary making in Nǀa Jaqna as a requirement of government, an extension of governmental authority, a mechanism for enhancing the legibility of remote rural areas (Scott 1998), and a tool for the San with which to make claims and counter others' claims to Conservancy lands and resources.

Government policy makes the establishment of clear and delineated boundaries a requirement for a Conservancy to be gazetted. These boundaries are not simple to establish

and negotiate. The Namibian CBNRM program has born witness to many boundary disputes related to the establishment of Conservancies. The policy requires that exact boundaries be declared and such processes have resulted in different communities coming into conflict with one another. Disputes commonly center on the exact geographical area claimed by one Conservancy or another. The delineation of boundaries is given additional importance when communities stake out territorial claims during the formalization of tenure on communal lands though the implementation of the Communal Land Reform Act. Corbett and Jones (2000) point out that the creation of Conservancy boundaries involves a fundamentally political process: The community must delimit the resource and obtain control of the resource. But the very act of delimitation is the staking of a claim and brings reactions from neighbours. Many disputes originate with the reactions of those whom the community asserts a right to exclude (Corbett and Jones 2000 7). The establishment of Conservancy boundaries as an assertion of community control is a political process.

Nṛa Jaqna has not been immune to the types of boundary conflicts mentioned above. In fact, a boundary dispute between Nṛa Jaqna and the previously established Nyae Nyae Conservancy played a large role in the delay of registration (some six years) that the people of Nṛa Jaqna experienced. The boundary dispute along the border with Nyae Nyae was eventually resolved after negotiations which led the leadership of Nṛa Jaqna to agree that the already gazetted boundary of the Nyae Nyae Conservancy would form the entire eastern boundary of Nṛa Jaqna. Shortly after the Nṛa Jaqna Conservancy application was approved, I was told that a buffer is to be created on two kilometres on both sides of the boundary that would be commonly referred to as a “joint management area.” The management of this area is particularly important due to relatively high densities of wildlife in these areas and the location of water points for game along the boundary between the two Conservancies. As of July 2012, no formal joint-management area had been set up between Nṛa Jaqna and Nyae Nyae. The need for a joint-management area and plan was reiterated in 2006 in a meeting regarding the establishment of a water point and temporary boma for game re-introduction into Nṛa Jaqna (Nṛa Jaqna Conservancy 2006a 1–2), and again in 2007 when the World Wildlife Fund (WWF) was talking of supporting the drilling of a borehole for game watering along the boundary with Nyae Nyae adjacent to the Nhoma area that has been formally excluded from the boundaries of both Nṛa Jaqna and Nyae Nyae (Nṛa Jaqna Conservancy 2007a 3). The idea of a joint-management area still holds sway in the minds of some of those working with NGOs supporting the development of the two Conservancies and continues to raise the suspicion of some Nṛa Jaqna staff who are wary of using money that they say is designated for water development in Nṛa Jaqna outside of their Conservancy, or close to the boundary with Nyae Nyae—as has been proposed in the past by some

donors to water development efforts in Nṭa Jaqna. Even when boundaries are agreed upon, the wildlife on which CBNRM is based range widely as they move in seasonal patterns in response to changing availability of water and grazing. Conservancy members and leaders often complained that animals (re)introduced into Nṭa Jaqna were simply moving into Nyae Nyae, and were counted in that Conservancy's annual quota for own use hunting or taken by trophy hunters.

Another boundary issue that garnered a lot of debate was related to the status of a village grouping of primarily Ju'hoan San families who inhabit the Nhoma area. The people of Nhoma inhabit a small but resource rich area, abundant in wildlife and veld foods, between the boundaries of Nṭa Jaqna and Nyae Nyae. However, these people had not participated in CBNRM as members of a recognized Conservancy. There are several reasons to which the people of Nṭa Jaqna and those who live in Nhoma attribute Nhoma's non-Conservancy status. The first of these is the presence of a tourism operation in the area that is run by a husband-and-wife team who formally ran the lodge and a shop at Tsumkwe. The presence of the operation which provides employment and steady, if modest, income to many San-speaking families in Nhoma provides an incentive for those employed by the project to keep their area out of a Conservancy that may request or require them to share tourism revenues among a larger Conservancy membership. I was told of plans by the tourism operator to apply for Conservancy status for the Nhoma area independently of the two neighbouring Conservancies in order to take advantage of potential benefits of managing the abundant wildlife that resides in and passes through the area.

The second most commonly cited reason for the exclusion of Nhoma from both of the existing Conservancies in Tsumkwe District West and East has to do with the two TAs operating in the area, the geographic location of the area and family disputes. Technically the Nhoma area falls under the jurisdiction of the !Kung Traditional Authority. However, the majority of the residents of Nhoma are Ju'hoan speaking people who have relatives and friends in the Nyae Nyae Conservancy and complain that they are not well represented by the !Kung chief and his TA (see Chapter 7 on these difficulties). Being socially connected to the people of Nyae Nyae, but being excluded from their Conservancy boundaries primarily as a result of the location of a SADF base at Nhoma, and being geographically and legally associated to Tsumkwe District West and the !Kung TA but unsatisfied that their interests would be met by the TA and the newly emerging Conservancy, Nhoma and its inhabitants remained outside of the boundaries of Nṭa Jaqna. Another reason was a split in the family of the headman of Nhoma settlement with the younger son vying for official recognition as a paid headman under the !Kung TA, who favoured that the people of Nhoma join Nṭa Jaqna. This man has consistently represented the village of Nhoma at Nṭa Jaqna Conservancy

AGMs and other meetings. Supporters of his father did not share this enthusiasm for Nṭa Jaqna and have remained aloof from efforts to incorporate Nhoma into Nṭa Jaqna.

In the 2008 Nṭa Jaqna Conservancy AGM, the manager of the Nyae Nyae Conservancy announced to the meeting that the people of Nhoma had agreed to join Nyae Nyae, and that he was seeking the approval of Nṭa Jaqna and the !Kung TA to incorporate them into the existing structures of the Nyae Nyae Conservancy. The !Kung chief then recounted the content of several meetings held on the issue in the past and asserted his authority over the Nhoma area. He claimed that if the people of Nhoma—his people—wanted to join Nyae Nyae, they were free to do so, but he preferred the idea of sharing the area between the two Conservancies in a joint-management area. He also claimed that even if the people of Nhoma were to join Nyae Nyae, he would still be their chief and they his subjects. Despite the chief's approval of the proposal and the tacit approval of the leadership of Nṭa Jaqna, the issue was put aside due to the lack of presence of the Jul'hoan chief in the AGM at that moment (Nṭa Jaqna Conservancy 2008a 41). The desire on the part of the people of Nhoma to join Nyae Nyae was not openly challenged in the meeting. When I asked some of Nṭa Jaqna's leadership about this they pointed to the ethno-linguistic ties between the people of Nhoma, and those of Nyae Nyae, and the fact that Nyae Nyae makes regular cash payments to its members, while Nṭa Jaqna currently does not. If the people of Nhoma were to join Nyae Nyae this would certainly do little to clarify the role of the !Kung chief in the Jul'hoan dominated villages of central Tsumkwe and the status of joint management areas between the two Conservancies as well as the status of tourism operations that pre-date the establishment of a Conservancy. The issue of Nhoma illustrates the complexities of boundary negotiations. The status of Nhoma is also important for the people of Nṭa Jaqna due to the fact that if the Nhoma area and its residents were to formally join the Nyae Nyae Conservancy, the gazetted boundaries of Nṭa Jaqna would have to be changed. Such a change would require Nṭa Jaqna to be degazetted as a Conservancy. Due to increased pressure on land in Nṭa Jaqna and competing claims to land in the Conservancy forwarded by newly arrived settlers, the government's land reform program, private sector developers and a church based organization (discussed in Chapter 7), it is not clear that Nṭa Jaqna would be (re)gazetted as a Conservancy should it lose its current status.

Conservancy policy dictates that a Conservancy application be accompanied by maps and global positioning system co-ordinates for Conservancy boundaries, and that an application be accompanied by memorandums of understanding or MOUs between Conservancies and their neighbours. Negotiating boundaries with neighbours is not the only task of an aspiring Conservancy leadership. In practice, Conservancy applications also need political support. In terms of the Conservancy, policy boundaries of a Conservancy "have to be suf-

ficiently identified, taking into account the views of the regional council” (Corbett and Jones 2000 8). This wording has resulted in some Regional Council members insisting that they must approve an application for a Conservancy rather than simply being consulted during the application process. Confusion over the wording of the policy and the powers of the Regional Council has resulted in delays in Conservancy registration in Ntja Jaqna and across the country (ibid.). Government policy requires clear boundaries agreed by the Conservancy and its neighbours (be they other Conservancies or resource users grouped in villages such as those of Nhoma). These boundaries are political and not immune to contestation and debate even after they have been gazetted into law.

The government also requires that Conservancies form Management and Utilization Plans. These plans are often accompanied by Resource Zonation Plans. As mentioned in The Resource Zonation Plan of Ntja Jaqna that took the better part of two years to complete, and was the result of detailed and careful deliberations at the level of the individual villages, respective Conservancy districts and in several meetings of the entire Conservancy Committee with members of the TA, government officials, and other stakeholders. The basic premise of the Ntja Jaqna MUP was that registered members would decide on land use zones and rules for these zones in each of their respective village areas. The membership would then manage the resources in their own village areas and the Core Wildlife Zones in the north, and the south would be managed by the Conservancy Committee as a whole for the benefit of the entire membership. Between late 2003 and early 2005, Conservancy residents agreed on village boundaries and zoned the entire Conservancy area for a variety of resource uses including mixed farming (both cropping and grazing of small and large stock), wildlife areas (to be managed by a particular village or villages), tourism areas, areas for permanent settlement, and one area for a community forest that was in the process of being gazetted. Two large Core Wildlife areas were set aside for game breeding purposes and settlement and farming or grazing of livestock was excluded from these areas. Not all human activities are precluded from these zones. Members are allowed to go into these areas to collect veld food and medicinal plants and trophy hunting is also slated for these areas. People are also free to move through these areas in transit to other zones. At the time, these boundaries were rarely contested at the village level, or in other meetings of the Conservancy leadership. This can be attributed primarily to the fact that the Zonation Plan largely reflected then current land use patterns and efforts were made to avoid disruption of different land uses and livelihood strategies. Areas set aside for game were largely devoid of cattle or human occupation at the time and there was a desire on the part of the residents and the leadership of the Conservancy and the TA to avoid exacerbating conflict between humans, their livelihoods and wildlife or conflicts between humans as a result of dislocation of land uses

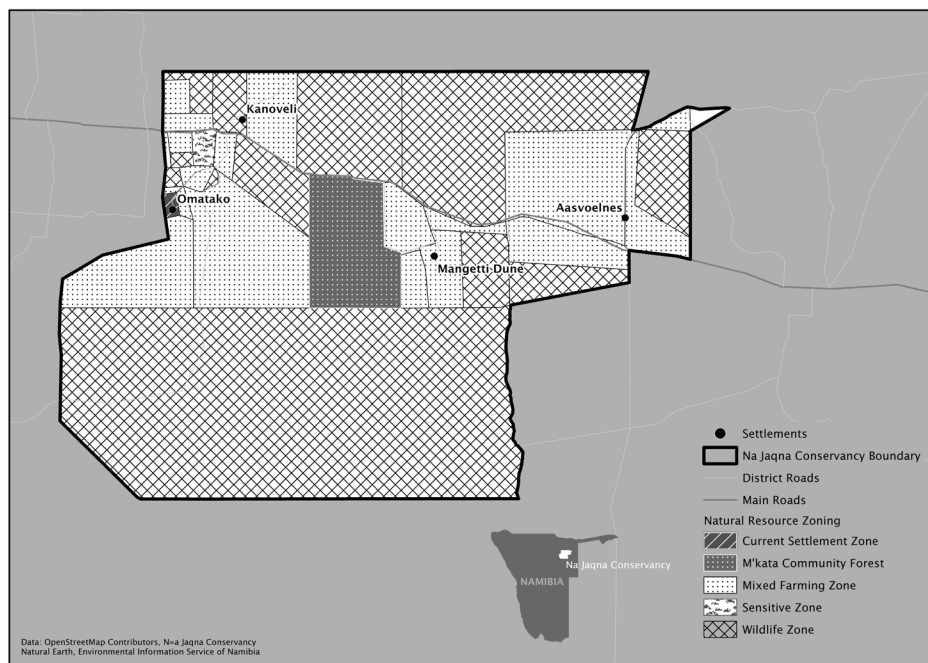


Fig. 5.1: Natural Resource Zonation in the Conservancy

and livelihood activities including farming and gathering of bush food among others. In one area the membership of two villages agreed to co-manage a single area or management unit that includes a tourism venture as well as mixed farming (The villages of Kamelwood and Restcamp in District 4 [Kano Vlei District] of the Conservancy).

Through the process of establishing and operationalizing the Conservancy Zonation Plan and the accompanying Management and Utilization Plan, the membership of Nǀa Jaqna have collectively devised resource appropriation and provision rules directly related to local conditions. The unique village-level plans that make up the Zonation Plan have allowed the membership of Nǀa Jaqna to create rules tailored to the specific environment and use patterns in which resources are found. The Resource Zonation and the Management and Utilization Plans of Nǀa Jaqna can be seen as examples of the kinds of institutional arrangements that allow for congruence between appropriation and provision rules and local conditions. As such the Resource Zonation Plan and the Management and Utilization Plan can be seen as helping Nǀa Jaqna to exhibit one of the design principals illustrated by long-enduring communal property resource institutions identified by Ostrom (1990).

The end result of this process of participatory resource use planning was a map (Fig. 5.1) outlining the resource zonation as well as the Management and Utilization Plan (MUP) that clearly set out activities that were allowed in various zones and those that were not. All

those people who were Conservancy members during 2003 through 2005 had the opportunity to participate in the setting of operational rules set out in the Zonation Plan and Management and Utilization Plan of the Conservancy. The Management and Utilization Plan and the Conservancy Constitution allow for these plans and rules to be modified at any time deemed necessary by the membership at the village, Conservancy district or Conservancy-wide levels. Changes that would affect one village are to be decided upon by Conservancy members registered in that village. Changes that would affect the membership of an entire Conservancy district would be made by members registered in that district and so on.

Sanctions to be employed against those who break the rules have also been decided upon at village, district or Conservancy-wide levels as deemed appropriate the Conservancy Constitution. This has resulted in a diverse set of graduated sanctions that are widely supported by the membership and are in line with local resource and use patterns. In this way, the collective choice arrangements of Nṛa Jaqna are congruent with the design principals of long-enduring common property institutions identified by Ostrom (1990).

Monitoring of resource conditions or use and appropriate behavior of resource users is done primarily by Conservancy members themselves. The Conservancy employs members as community game guards. These guards do much more than guard game. They are mobile (on horseback), and move on a regular basis through the Conservancy districts in which they live and work. The game guards not only engage in regular patrols of the bush, recording game movements and sightings, reporting resource harvests and illegal activities such as poaching and illegal timber harvest, gathering information on human wildlife conflicts, but they also engage with Conservancy members on the village level. They distribute information and collect reports from members as to the resource use of others. The game guards then communicate back to the Conservancy office via hand-held radios. The game guards also report on their resource-monitoring efforts through the submission of an event book to the Conservancy office at monthly meetings. In these ways, the game guards are the eyes and ears of the Conservancy Management Committee and staff. Individual Conservancy members not in direct employment of the Conservancy also report on resource use directly to the Conservancy Head Office in Mangetti Dune or directly to Conservancy staff during Conservancy meetings regularly held at the village and district levels. Individual Conservancy members also monitor and report to Conservancy Committee members that are present in all villages and this information is then communicated to the Conservancy office in person or over radio. Individual members also report resource related information to the offices of the !Kung TA in Omatako and Mangetti Dune who then pass the information on to the Conservancy Office. Monitoring of resource conditions and use is done by a number of people or groups of people who are Conservancy members and reports are made to those

who are accountable to the larger Conservancy membership. Thus, monitoring is carried out in a way that is congruent with the design principals identified by Ostrom (1990) for common property resource institutions that have endured over long periods of time.

The Conservancy Constitution provides several avenues for access to low-cost local arenas of conflict resolution. Conflicts between Conservancy members are to be mediated by the local Conservancy Committee members and local members of the !Kung Traditional Authority, such as headmen or headwomen, at the village level if possible. The constitution also allows recourse to other dispute resolution mechanisms, such as third-party mediation or remediation through the court systems. It is through these mechanisms that members of Nǀa Jaqna can have timely access to dispute resolution between Conservancy members or between Conservancy members and Conservancy staff or officials. These practices are congruent with the design principals of long-enduring common property resource institutions set out by Ostrom (1990).

The landscape of Nǀa Jaqna now physically bears the markings of this plan in the form of zonation symbols carved and painted on trees and other objects. As will be discussed below, the government requirement for the MUP has resulted in a new local understanding of boundaries across the landscape and has reorganized resources and their use in the area. This Zonation Plan has become increasingly important as the Conservancy faces both internal and external claims on land and resources falling in its boundaries. The zonation plan and the MUP serve multiple roles for multiple stakeholders in CBNRM in Nǀa Jaqna. It can be a tool to further the interests of the state in making rural resources and human patterns legible. It can also serve as a tool for the San in opposition to claims made by persons labeled as newcomers to the area, private commercial interests, and the same state that required the Conservancy to engage in such planning under the CBNRM policy and supporting legislation.

The Nǀa Jaqna Conservancy Natural Resource Zonation map and the Conservancy MUP have now been widely circulated to stakeholders in Conservancy development and perhaps most importantly to the Communal Land Board office in the regional capital. This wide circulation on the part of the Nǀa Jaqna leadership on behalf of the membership is in contrast to the experience of other indigenous groups who have been reluctant to broadcast the results of similar processes to the political, legal, and economic, as well as cultural, sensitivities involved in doing so. The reluctance on the part of localized groups of resource users and those that support them in countries where the rule of law is weak or non-existent is even more pronounced (Chapin, Lamb, and Threlkeld 2005 620). Nǀa Jaqna's willingness to share the results of their participatory planning process with the government and other outsiders also demonstrates a degree of faith in the rule of law in CBNRM policy in Namibia.

The process of participatory planning and mapping has resulted in new spatial representations of the land and resources of Nṭa Jaqna, and has allowed the residents of the area to think of these resources in new ways. There is, however, a question of which set(s) of interests are furthered by such representation and their utilities. There has been a long history of maps being used by those in power to mark off and control territories home to indigenous groups such as the San (Chapin, Lamb, and Threlkeld 2005 620). These representations may be thought of as furthering the interests of the state by extending governmentality, a means to extend CBNRM as normative practice and to make the people and environment of the Conservancy more legible to the state (Taylor 2008b 1770). The national CBNRM program has collected data on each Conservancy in an effort to gain regional overviews of patterns of wildlife densities and human-wildlife conflict as well as human settlement and infrastructure within conservancies (*ibid.*, 1768). Facing a situation in which the San of Nṭa Jaqna could not be certain when and if the government, one of its ministries, or powerful and wealthy government staff may come to lay a claim to a portion of land or resources found in the Conservancy, mapping, boundary making and participatory planning that have made Nṭa Jaqna and its people and their activities more legible to the state can be seen as a means of making more legible the potential actions of the state (*ibid.*). While mapping resources and their use may serve to extend the state and perhaps other non-state actors, such as those involved in the harvest of medicinal plants or those in the business of poaching, into the Conservancy by making the area and its resources more legible, the process of resource-use planning and mapping has provided the San of the Conservancy with a valuable tool to counter claims of newcomers, business persons, church-based organizations and the state to land and resources in the Conservancy.

Homewood, Krisjanson, and Chenevix Trench (2009) contains an example of a community in Tanzania where the Maasai-speakers who are a majority in the study area have been able to use their form of community wildlife management to safeguard Massai rights to village lands. The San of Nyae Nyae have also come to realise that maps are more than “flat representations of landscapes that enable people to orient themselves on the ground,” and have begun to appreciate the power of maps to be used in a number of other ways including legitimizing claims over resources and land (Hitchcock 2003). Likewise, the San-speaking majority in Nṭa Jaqna have been able to craft their Conservancy structures, Resource Zonation, and Management and Utilization plans as a tool to safeguard the land and resources of the Conservancy for current and future generations. Here, the detailed village-based resource plans produced in the Conservancy are a powerful tool in countering attempts made to gain land in the Conservancy by anyone for a purpose other than those set out by the membership in the Resource Zonation Plan. The following appears in one of the

final sections of the Nṣa Jaqna MUP. The large type-set and bold font are as they appear in the original document and underscore the understanding that the leadership is responsible for putting together the plan of the MUP and the Resource Zonation as a tool to control resource use in the Conservancy and prevent alienation of Conservancy lands for purposes other than those that have been approved by the membership. Section 5.1 of the Conservancy MUP reads as follows:

The Conservancy understands the criteria laid out in the Communal Land Reform Act for the allocation of rights of leaseholds by the appropriate Traditional Authority and Land Board. Of particular significance is Section 31 (4) of the Communal Land Reform Act (Act No. 5, 2002; Government Gazette 12 August 2002 No. 2787), which relates to the requirements for Land Boards to allocate leaseholds, and states as follows:

Before granting a right of leasehold in terms of subsection (1) in respect of land wholly or partially situated in an area which has been declared a conservancy in terms of section 24A of the nature Conservation Ordinance, 1975 (Ordinance No. 4 of 1975), a board must have due regard to any management and utilization plan framed by the conservancy committee concerned in relation to that conservancy, and such a board may not grant the right of leasehold if the purpose for which the land in question is proposed to be used under such right would defeat the objects of such management and utilization plan. (Nṣa Jaqna Conservancy 2005d 12)

The section of the Communal Land Reform Act cited above has allowed the membership of the Conservancy to effectively safeguard large sections of Conservancy land and resources (the areas appear as cross-hatched wildlife zones on Fig. 5.1, p. 122) from use by anyone. Perhaps most importantly for the membership, the Zonation effectively prohibits allocation of these lands to those who continue to seek leaseholds in Conservancy lands for individual purposes, such as cattle rearing, cropping, or business, or to be used by interest groups made up of several individuals such as a company or church-based group. In practice, the Conservancy has already succeeded in using this section of the act to force the Otjozondjupa Communal Land Board responsible for land allocations in the Conservancy area to block at least two attempts by different interest groups originating outside of the Conservancy membership to gain control of large portions of Conservancy lands. The Resource Zonation Plan and Management and Utilization Plan (MUP), have been at the heart of debates and actions surrounding attempts by the government to allocate lands for resettlement in the Conservancy. The San of Nṣa Jaqna, WIMSA as a supporting NGO, and myself as a facilitator of the

Resource Use Zonation and Planning exercise were aware from the beginning of the planning process of the potential to safeguard land from expansionary interests of some farmers resident in the Conservancy and those non-residents who may want to gain control of Conservancy land and resources. It should be noted that while the zonation of Conservancy resources has served to confine pastoral and agriculture land uses to particular areas, and prevented leaseholds of land being granted for purposes that the Conservancy has not approved, the plan can be changed by the membership when they deem it necessary to do so.

In an effort to strengthen the Resource Zonation Plan and the MUP, the Conservancy Constitution was changed shortly after the plans were completed to adopt the content of these plans as part of the governance structure of the Conservancy. As mentioned above, changes to the Resource Zonation Plan, such as extension of areas zoned for various purposes or addition of areas for other forms of use is possible. For example, as more members gain access to cattle, the membership may wish to extend areas where grazing of stock is allowed.

The embedded nature of the Resource Zonation and Management Plans in the constitution of the Conservancy provides the collective membership with an additional safeguard. That is, even if an applicant for a leasehold on Conservancy Land for purposes contrary to the MUP (a factory or mine, for example, in the Core Wildlife areas) is able to convince a group of Conservancy members of the desirability of the granting of said leasehold, this leasehold cannot be granted. In order for such leasehold (one that is contrary to the Zonation Plan and MUP such as farms in the Core Wildlife areas), to be granted, the entire membership of the Conservancy must first freely approve of a change to the Resource Zonation Plan in order to bring the intended land use in line with the Conservancy plans. In this context, it is not sufficient to gain the consent of a small number of individuals through means of negotiation, bribery, intimidation, or trickery to approve a leasehold that would affect the entire membership and their developmental plans or options. In order to be granted a right of leasehold under the Communal Land Reform Act, one must be able to convince the entire membership of the Conservancy, not just one or two leaders or the TA, of the desirability and benefit of such a land transfer for the entire membership. One Conservancy staff member explained the importance of the resource Zonation and Management and Utilization plans in the following way:

R: The Conservancy in one way or the other...they give the people some power to have a say on their land. The Conservancy protects the land for the people who are living here in the Conservancy. One of the reasons is that the Conservancy as a requirement of the MET, it has to have a management plan which stipulates which activities could happen within the Conservancy. So it in one way or the other protects the land from interference from other quarters. The other thing is also that the

Conservancy is strong in that it has access to some resources such as lawyers that are not accessed by not having a Conservancy. (R25-103, 25.06.08, Mangetti Dune, no translation)

Boundary-making is required by the Conservancy policy and legislation of the government. Setting of external and internal boundaries such as those of the Conservancy area and those between villages of resource uses is a complex and political process, one that is often contested. The creation of boundaries and maps makes the Conservancy environment and uses of that environment more legible to the government and other stakeholders in CBNRM and potentially to those seeking to gain control of land and resources of the Conservancy for personal gain. At the same time that the Natural Resource Zonation and Management Plans of the Conservancy provide a potential avenue for the expansion of the state into the Conservancy, they also provide an important tool for the San to safeguard their land from falling under the control of private, commercial and other interests. In Nṭa Jaqna, CBNRM structures designed to bolster conservation and economic growth have been used to further an additional set of social-political interests through the establishment and maintenance of boundaries that have rendered Nṭa Jaqna at once more legible to external groups and made its land and resources more difficult for these same groups to control.

Participation, CBNRM, and Empowerment in Nṭa Jaqna

CBNRM interventions are based on the contention that if communities are given say in management of natural resources, and are able to benefit directly from the consumptive and non-consumptive use of these resources, then they will have an incentive to invest in and conserve these resources (Barnes, MacGregor, and Weaver 2001 5). In the CBNRM framework, participation by local resource users is deemed to be essential not only for conservation of resources, but also as an avenue to economic, social, and political empowerment of local people. The following section will explore the extent to which local resource users, the San speaking membership of the Conservancy in particular, have been empowered to have meaningful input into the management of resources on which many of them depend for their livelihood. The section will also critically examine the experiences of the people of Nṭa Jaqna in building a particular set of democratic structures for resource governance which they hope will deliver long-term social, political, and economic empowerment to the membership. What emerges is a not a picture coloured with utopianism and idealism, as Emmett (2000 501) suggests much of the academic writing on participatory development has been, but one in which success is tempered by difficulty.

According to Green (2003), participatory management models have proven difficult to realize. Despite the variations in context and setting, the introduction of participatory management models has produced results that are strikingly similar. Several issues have emerged in relation to Conservancy governance since the Communal Area Conservancy Program was established in Namibia. These include, but are not limited to, transparency and accountability of Conservancy Committees in the management of revenues generated from wildlife and tourism activities, the representativeness of Conservancy Committees, and the levels of participation of community members in Conservancy governance. Nǀa Jaqna is similar to other Conservancies in that it has confronted all of these issues. Nǀa Jaqna has attempted to deal with many of these common challenges through the establishment of governance structures that are flexible and reflect the realities of the local context and the desires of the membership. These issues will be touched upon in the following exploration of the experiences of the people of Nǀa Jaqna in establishing and maintaining the governance structures of the Conservancy.

The CCP dictates that each Conservancy be governed primarily by a constitution that is gazetted by the government when a Conservancy is established. The original constitution of the Nǀa Jaqna Conservancy was developed through a participatory exercise conducted by a WIMSA employed consultant at the village level in what is now Nǀa Jaqna. A number of persons affiliated with the University of Namibia and the Legal Assistance Center of Namibia also had input into the original constitution signed at the Omatako Valley Rest Camp on the 6th August, 1998 by Conservancy leaders and members of the !Kung TA. This was the version of the constitution, which was submitted along with other supporting documentation in the application for Conservancy status to the central government. The delays in the gazetting of the Conservancy resulted in a need to (re)elect Conservancy Committee members when the Conservancy was officially gazetted in 2003. The original constitution of the Conservancy was amended in 2004-2005. The majority of amendments had to do with the adoption of the MUP based on the participatory exercise, which resulted in the Resource Zonation Plan as official Conservancy policy. Other important amendments had to do with addition of clauses dealing with the relationship between the TA and the Conservancy which will be further discussed in following chapters.

The constitution establishes the Conservancy as a legal entity, sets out a governance structure for the Conservancy and details the rights and responsibilities of committee members, the TA as well as the general membership. It reflects the boundaries of the Conservancy as well as outlines the basis for membership in the Conservancy. Conservancy governance functions are carried out by a number of committees made up of elected Conservancy members. Across Namibia, Conservancies are run by locally-elected committees, the reliance

on which is said to promote grassroots participation and accountability, and, in the process, foster democratic resource governance. In the Namibian context, elected committees govern based on a combination of customary law, a constitution, and a number of locally conceived policies, procedures, and management plans (Ogbaharya 2006 17). This utilization of localized committees of resource users is not unique to Nǀa Jaqna, but the form and functions which the committees have taken is. In addition, the role of !Kung customary law has been lessened in Nǀa Jaqna where a clearly defined or codified set of customary laws adhered to by the !Kung TA has yet to emerge. This situation can be compared to other areas of the country where the chiefs and TA members play a prominent role, and, in some cases, make most of the management decisions on behalf of the Conservancy membership (Jones and Mosimane 2000 83).

In Namibia, customary law is relevant to CBNRM in that it is a source of law that sets out rules for the allocation and use of land in the communal areas (Corbett and Jones 2000 2). In the Conservancy the allocation of land follows a loosely-defined customary practice, one which confirms more to national norms than to a tradition or custom of the !Kung in the area. In the early months of Conservancy existence, when the leadership was establishing resource governance structures, several questions were raised by the new leaders as to the content of !Kung customary law, and there was an interest expressed to me—as the representative of WIMSA in the area—by a Senior member of the !Kung Traditional Authority to codify new customary laws to strengthen the power of the Conservancy Committee to make decisions regarding allocation of land and resources. To my knowledge, no effort has been made to codify or update !Kung customary law since the establishment of the Conservancy. The following table illustrates the governance structures in place in the Nǀa Jaqna Conservancy between 2003 and 2009. The Conservancy policy of the government requires that a Conservancy be managed by a committee formed by the membership. The Namibian Conservancy policy leaves the creation of these committees to the groups who are applying for a Conservancy. The policy simply calls for the composition of the committees to be representative of the population which they serve and the functions of the committees to be democratic in nature (Corbett and Jones 2000 4). The form that the Conservancy Committee has taken in Nǀa Jaqna is unique to the Conservancy and largely reflects the desires of the majority of resource users in the area.

Section 1.4 of the Conservancy Constitution (2005) makes explicit reference to “N!oresi” as being the basis for representation, communication and decision making in the Conservancy (Nǀa Jaqna Conservancy 2005a 2). Here, the various village areas delineated in the Resource Zonation Plan are equated with N!oresi. In this way, the Conservancy has placed a newly formed conception of a traditional San land use unit as the basis of resource gov-

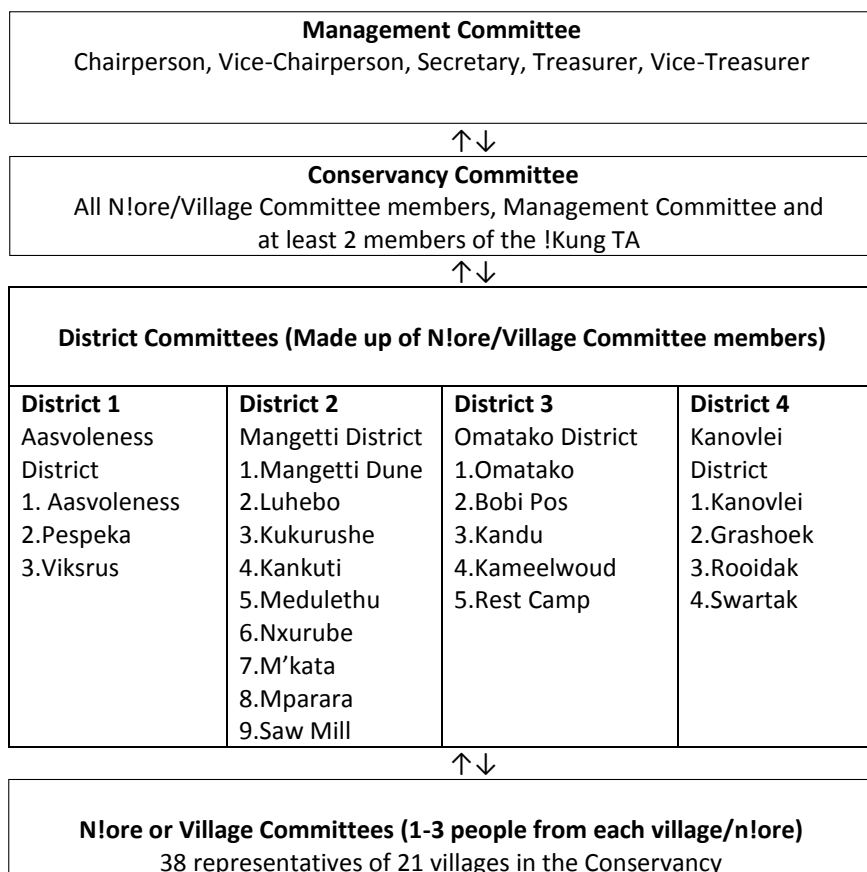


Fig. 5.2 Nǀa Jaqna Conservancy Governance Structures (Nǀa Jaqna Conservancy 2005d 3)

ernance in the Conservancy. The explicit reference to San N!oresi is evidence of a desire on the part of the membership, and WIMSA as the primary support organization involved in drafting the constitution, to connect Conservancy governance to the maintenance of San rights to land in the area. As a consequence of applying and being granted a Conservancy, profound changes in the spatial and social order as well as in forms of decision-making and political representation have been initiated (Hohmann 2003 218).

Whenever possible, resource or tourism management decisions are taken on the basis of village-level consensus facilitated by locally elected Conservancy Committee members (1-3 for each village area identified in the Resource Zonation Plan), and local members of the !Kung TA or village headmen appointed at the village level, but not officially recognized by the Traditional Authorities Act. This reflects the understanding of the membership which is shared by academics such as Arntzen (2003), that authority to make management deci-

sions and rights to benefit should be devolved to the lowest possible level. This devolution to the level of the village is believed by theorists and local resource users in Nṭa Jaqna to promote transparency and accountability and to allow for logistical efficiencies. The willingness and desire to assume responsibility for management of resources on the part of the general membership was clearly demonstrated though village level support for the resource zonation exercise and expressed support for the committee structures of the Conservancy, which take village-level resource users as the starting point. Section 1.4 of the Conservancy Constitution (2005) also makes mention of the Conservancy being divided into 4 districts for the purposes of management of natural resources. The creation of these districts, unlike N!ore or village level committees, finds its base not in traditional land-and resource-use patterns of the San, but a realization of the need to divide and define the Conservancy landscape in new ways to facilitate the implementation of CBNRM in the area. The creation of the 4 districts and their committees is in line with the desire of the membership to devolve decision-making powers to the lowest possible level. In discussions surrounding the drafting of the Conservancy Constitution, it was understood that not all decisions could be made at the village level. Some decisions would affect neighbouring groups of resource users outside of a given village boundary. Therefore, decisions affecting one or more villages are made at the level of the district committee meeting. At these meetings, committee members from each village or N!ore in the district represent the interests of their village or N!ore and communicate decisions made at the village or N!ore level. It is common practice for these district committee members to return to their respective villages to discuss issues posed at a district level meeting and perhaps clarify the position of the village membership regarding particular issues. In this way, the district committee structure not only provides an arena where issues affecting one or more village are discussed, but also provides an avenue for members to make their voices heard in important decisions and to receive information regarding Conservancy related issues. According to one observer, "the most critical aspect of initiating change in rural communities is the presence of strong and active communication channels facilitating the easy flow of information from the bottom up and from the top down" (Hitchcock 2001 42). District committees serve this important role in communication between the Management Committee of the Conservancy and the office staff and the general membership. District level meetings have regularly been called for as provided for by section 1.4 of the constitution to share information and decisions made in relation to the management of natural resources, tourism, and other decisions made externally to the Conservancy, which could affect the membership.

One of the common questions raised in the literature dealing with participation and empowerment of resource users under CBNRM schemes is that of the extent to which man-

agement of benefits derived from CBNRM are transparent and the extent to which the membership have a say in how these financial resources are allocated or distributed. It is at the level of the district that decisions are taken concerning developmental priorities. Each district has now formed a development plan of its own, reflecting the priorities of their individual membership. The Benefit Distribution Plan of the Conservancy provides for any dividends paid out by the Management Committee resulting from income generating activities of the Conservancy such as trophy hunting or tourism activities to be paid to the district committees. From these revenues, the money could be distributed to individual members, to households, or invested in district-level developmental projects. While the Conservancy has yet to pay any monetary dividends to the membership (as of 2011), it is expected that much of any future dividends will be invested in district level projects, such as preschools and farming equipment, according to district level plans formulated at the 2006 Conservancy AGM and reviewed at subsequent Annual General Meetings (Ntja Jaqna Conservancy 2005b; Ntja Jaqna Conservancy 2007a; Ntja Jaqna Conservancy 2008a).

All members of village or N!oresi committees serve on a district committee. They also serve on the larger Conservancy Committee required by the CBNRM policy. Thus, the membership of Ntja Jaqna have created a Conservancy Committee as required by the CBNRM policy of the government, but also village/N!ore committees and district-level committees as a means through which to promote participation of the entire membership and to facilitate the flow of information to localized groups of resource users and other groups spread across the landscape of the Conservancy. One district chairperson described his role as a Conservancy leader:

C: You are a district chair. What do you understand as your role as district chairperson?

R: My role as a Conservancy Committee member is that I am the district chairperson of these villages here. I am here to listen to what the people are saying. Any kind of problem or any issue concerning the Conservancy I have to try and to explain to them and help them. If I cannot help or they raise a problem then I can go to the Conservancy Office and tell them. Even any meeting that I am attending of the Conservancy I have to bring back the results and to tell the community what is going on and what is the plans of the Conservancy. The people tell me what they think and I must bring this feedback to the next meeting. My role is not only for this village but all of the villages in my district.

According to the Conservancy Constitution, the purpose of the Conservancy Committee is to serve as a steering committee for the Conservancy. The entire Conservancy Committee meets at least once a year at the Annual General Meeting, which is the highest decision-making body of the Conservancy. The Conservancy Committee also holds meetings other

than the AGM when deemed by the Management Committee as necessary to take decisions that affect the entire membership. Every member of the Conservancy has a right to attend and speak at an AGM. In practice, most AGMs have been attended by few Conservancy members who are not serving on the Conservancy Committee due to the large distances that some people would have to travel to do so. Conservancy members do participate in village-level meetings, where items on the AGM agenda are discussed and decisions are taken at the village level to be forwarded by committee members at the AGM.

The Management Committee is made up of Conservancy Committee members elected by the Conservancy Committee to serve as chair people, the secretary or treasurer. These Management Committee members serve specific roles on behalf of the membership, and, in general, have the same rights and responsibilities as other Conservancy Committee members. The chairperson is responsible for calling and chairing meetings of the Conservancy Committee. In the event of a stalemate in a vote taken by the Conservancy Committee, he or she casts the deciding vote. The vice-chairperson is responsible for assisting the chairperson in his or her duties, as well as standing in for the chairperson when he or she is not available. The secretary is responsible for recording and storing minutes of meetings of the Conservancy Committee, the Management Committee, Conservancy Staff, and outside parties. The treasurer is registered with the government, and is responsible for ensuring proper financial management and accounting of Conservancy assets. According to the CBNRM policy, the accounts of the Conservancy must be audited by an independent firm prior to every AGM to ensure accuracy.

The Conservancy's financial records are open for inspection by any member of the Conservancy. In practice, only some 27 percent of Conservancy members are functionally literate in at least one language. Only 16 percent of the membership is functionally literate in English, which means that very few members would be able to understand the financial reports of the Conservancy if they wished to see them. This underscores the importance of the external audit for ensuring that proper financial management is upheld. To meet the challenge of financial transparency, the Conservancy has adopted the practice of giving verbal financial reports with the use of visual aids at the village level prior to every AGM. In these meetings Conservancy income and expenditures are explained, and the membership has the opportunity to ask questions and to receive explanations regarding the financial health and activities of the Conservancy. This is also an opportunity for the membership to question budgetary allocations and expenditures and to express opinions regarding financial matters. These meetings are well-attended, and often have resulted in both expressions of support for the Conservancy, and desire on the part of the membership to begin to see tangible benefits from the Conservancy. A standard financial report is given

to the Conservancy Committee at every AGM. Efforts on the part of Conservancy leadership to share financial information directly with the membership are based primarily on a commitment to financial transparency and a reluctance on the part of the leadership to leave themselves open to allegations of financial mismanagement, as was explained to me during a meeting with the then vice-chairperson and subsequent chairperson of Nṭa Jaqna who shared the following:

C: You speak to me and the Management about the need to maintain good financial records and the frustration that you feel with not being able to provide payments to the membership like Nyae Nyae is doing. What do you think is the best way to handle this?

R: There is no payment to the membership here. We are young, like a small plant, we need time and resources to grow. Everybody says that we should pay like Nyae Nyae but we do not have the money for that yet.... They will support us as long as we are clear with the money. Even if we only make one Rand we must show them every part of that Rand then they will support. You know that the people here are hungry and their eyes become big when they see money but they understand that Conservancy is for all the people and the money that we have in the paper is for all of the Nṭa Jaqna. They will wait for their part of the money if they are sure that it is going to the right things. We must show them where the money is and they must tell us where they would like us to lead the money. If I am not clear with the money then they will chase me from the office. They will also not give me respect. Leadership is difficult and I must be clear with the people or they will accuse me and the others of eating the money that is for the projects.

According to section 3.2 of the constitution, the Management Committee is to take the day-to-day management decisions of the Conservancy. The Management Committee meets regularly with Conservancy staff who carry out the directives of the Management Committee and implement developmental projects on behalf of the membership. The Management Committee must consult regularly with the membership (at a minimum of three month intervals) in the form of village or district level meetings (Nṭa Jaqna Conservancy 2005a 2). These regular meetings have taken place at the levels of the village and the district. After establishing a fierce pace for village meetings during the planning stage of the Conservancy's development, the frequency of these meetings has lessened.

The commitment of the leadership of the Conservancy to maintain accountability to the membership through regular meetings and information exchanges with the membership was exemplified by the decision to hire a field officer to take on responsibilities related to the establishment of a new community forest in the Conservancy, and to facilitate regular village and district level meetings. This decision was made during the 2008 AGM when some district reports contained comments regarding a drop in the number of district-level

meetings. Interestingly, the number of village level Conservancy meetings has greatly increased during periods in which the Conservancy has faced external and internal threats to the land and resource base (for further discussion see Chapter 7).

The establishment of a mobile game guard system has also increased the flow of information from the villages to the Conservancy and vice versa. Game guards posted in at least two villages in each district move constantly through their districts on horseback, and are in regular communication with the Conservancy staff and leadership through their use of the event book reporting system and over the two-way radio system that has been established to facilitate communication and anti-poaching efforts in the Conservancy. It is often through this form of radio communication or personal reports of game guards to the Conservancy office that the Conservancy Management Committee learns of events and happenings that impact resource management decisions. Members no longer have to wait for an official Conservancy meeting to voice concerns, receive clarification on an issue, or make a report to the Conservancy leadership and/or staff. The game guards also act as informants to groups of members or individuals who have questions regarding the Conservancy and its management. Not only have the game guards proved effective in monitoring resource use on the ground but they have also vastly improved communication between the Conservancy office, Conservancy leaders, and the membership.

It is through these various committees that the membership of the Conservancy participates in decisions related to the management of the Conservancy and its resources. The governance structures of Nǃa Jaqna have been generally viewed as a model for other Conservancies in the country and the majority of the membership has retained a sense of ownership of the Conservancy and respect for the Conservancy Committee. However, the implementation of CBNRM via these governance structures has not been without challenges. The following sections will examine the extent to which the Conservancy has been able to meet the challenges that they have faced in managing the resources of the Conservancy for the benefit of the membership.

The national Conservancy policy allows for Conservancy members to define the shape that resource governance institutions take in their Conservancy. The same policy also says that the Conservancy is to be governed by a Conservancy Committee and that this committee must be representative of the membership (Republic of Namibia N.D. 2). This reliance on the committee structure for Conservancies has been attributed to a number of factors. The first is the need for the government to identify a focal point for decision-making that they can devolve rights to. Another is the need for government and other outside agencies to work through a representative body instead of visiting every village or household in an area (Corbett and Jones 2000 16). Finally, there is the influence of new institutionalism that

has dominated common property management theory for more than a decade (see Ostrom 1990). The Nǀa Jaqna Conservancy Committee has retained some members from its beginnings in 1998 when a Conservancy application was first being put together. There have been several changes in the makeup of the Conservancy Committee. As mentioned in the previous section, Conservancy Committee members are democratically elected at the village level. The Conservancy Committee has generally remained representative of the membership since its establishment. In all of the villages of the Conservancy, with the exception of one, the membership has decided to elect to the committee one male and one female. The result has been a high level of gender parity in the Conservancy Committee. Around 45 percent of the Conservancy Committee members were women in 2008. In addition, 50 percent of district-level chairpersons and secretaries have been women. While the original Management Committee was comprised entirely of males, this imbalance was rectified at the 2008 AGM, when two females were elected to the Management Committee as co-treasurers (Nǀa Jaqna Conservancy 2008a 6). This desire for gender balance is often expressed by the leadership and membership in terms such as “let’s go 50-50” or “Zebra list,” which are borrowed from Electoral Commission slogans referring to national goals of gender balance on political party lists (hence differently coloured strips of the zebra representing women and men respectfully) and in parliament (50 percent women, 50 percent men).

The ethnic composition of the Conservancy Committee has changed to a degree over the years. After the inauguration of the Conservancy, an election was held which confirmed some of the original members and new committee members were also added. The original committee was drawn mostly from the various San-speaking groups present in the Conservancy. These San-speaking members were joined by two Herero members and one Kavango representative. This corresponded roughly to the ethnic makeup of the Conservancy as demonstrated by the 2008 Strategic Social Assessment carried out at the household level (the sample including 89 percent of the households of the Conservancy), which pointed to the majority of the membership, 86 percent, belonging to San-speaking groups, while Herero-speaking people made up 2.4 percent, Kavango speakers 5.7 percent and speakers of other languages 5.9 percent (Nǀa Jaqna Conservancy and Welch 2008 3).

Section 8(3) of the Conservancy Constitution (2005) sets out the term of office for a Conservancy Committee member as 3 years with unlimited possibility for re-election. The constitution also provides for the possibility of removal of a committee member by a district level meeting or at the AGM (Nǀa Jaqna Conservancy 2005a 4). Between 2003 and 2009, there were nine instances of the membership requesting removal of a committee member. In two cases, the reason stated by the committee for the removal was that of legal proceedings against the committee member (stock theft in one case and domestic violence

in another). In three other instances, members of the committee were removed due to their employment outside of the Conservancy, and a concern on the part of the membership that they were not able to represent their interests due to their regular absence from the Conservancy, an inability or willingness to be accountable to the village which they represent, or what is locally perceived as a conflict of interest due to outside employment. The turnover in committee membership has resulted in the removal of all of the Herero-speaking members; one was replaced when he took up a job with a meat purchasing company.

Another was replaced for refusing to attend Conservancy-related meetings, as well as taking up a position with the local Farmers' Association (FA). The lone Kavango-speaking member has now been replaced on the committee due to his being elected to the Management committee as treasurer, and then leaving the committee to take up the post of Deputy Coordinator of the Conservancy. There have been instances where the Conservancy Committee has found it difficult to deal with complaints from Herero members and non-members that their interests are not well served by the Conservancy Committee. Many Herero-speaking cattle keepers in the area have followed their leaders in not participating in Conservancy structures—choosing instead to gravitate towards other institutions, such as the FA. The above examples of removal of committee members for non-performance—and the fact that the majority of the Conservancy Committee members have been re-elected to serve another term—demonstrates the high level of accountability of the leadership to the membership.

Another facet of the Conservancy Committee is the age of its members. While there are some more elderly members of the committee, the vast majority of the members are young adults (The constitution of the Conservancy limits membership and thus committee service to those qualifying residents over the age of 18). This is due largely to the fact that in order to serve on the Conservancy Committee, members must be functionally literate in English or Afrikaans. This Conservancy policy has meant that many respected elders have not qualified to serve on the committee. Despite the absence of a number of elders on the committee, the leadership has consistently sought out the opinions and advice of the elders at the village or district level. One Conservancy leader shared the following story about his role as a young man elected as a Conservancy leader, and the relationship between the committee and the elders:

R: My role in the Conservancy is that the Conservancy is there and is something that is brought up by the community so it needs some young boys or girls who have some education and are bright that can help the Conservancy because the Conservancy is always facing a lot of challenges... We as leaders respect our elders, they are our mothers and fathers. We cannot have strength and wisdom without them. We younger leaders have energy and are having tools to deal with the outside world. We

always seek their (the elders) advice and act on it. We can stand up and say that this Conservancy has rights. We can deal better with outsiders. (R25-91, 24.06.08, Mangetti Dune, no translation)

The quote above demonstrates a keen awareness on the part of the Conservancy leadership that they are cultural brokers representing the membership to the outside world, and represent the outside world to the membership. Dieckmann (2007) points out that the position of “cultural broker” is common to much of the Namibian San leadership and that these leaders are often distinct from those they represent in terms of education and background (135–165). This is the case in Nǀa Jaqna, where the leadership cadre is substantially better educated than the membership as a whole. Many members of the committee who have served on the Management Committee have also had a background of involvement with WIMSA. Exposure has been the result of various individuals’ experiences with WIMSA, including training workshops, participation in the San paralegal program, having received educational support from the WIMSA education program, having sat on the Regional Board of WIMSA, or through visits to the WIMSA office while in Windhoek.

While committee members are often committed to the Conservancy and its goals, there are other factors that may motivate one to seek appointment on the Conservancy Committee and/or the Management Committee. Conservancy Committee members are not considered staff of the Conservancy, but do receive daily sitting allowances when invited to Conservancy meetings such as the AGM which require them to travel outside of their home village area for more than 24 hours. The amount of these sitting allowances is minimal, equivalent to about \$5 CAD per day. This means that a Conservancy Committee member may receive \$20–\$25 CAD per year for participating in the AGM. In 2008, when the Conservancy was dealing with land issues to be further discussed in the following chapters, additional Conservancy Committee meetings were called and the committee members received an additional nine days of sitting allowance for attending meetings related to land issues. While this influx of cash may seem insignificant, it clearly provides an incentive for young adults, most of whom have no formal employment, to sit on the committee.

Conservancy Management Committee members are considered staff of the Conservancy. However, they do not receive monthly salaries as do the employees who work in the Conservancy office. They do receive sitting allowances for attending monthly Management Committee meetings, additional meetings of the Management with stakeholders, training sessions, workshops, and exchange visits. The decision to compensate Management Committee members for time spent on Conservancy-related activities on the part of the membership and leadership (rates of compensation are discussed yearly at the Conservancy AGM) is based in part on an understanding that, as Dieckmann puts it, “an individual cannot afford to

devote himself to an abstract vision on an empty stomach" (Dieckmann 2007 326). During fieldwork conducted in 2007–2008, the Management Committee received sitting allowances or subsistence and travel allowances for meetings outside of the Conservancy 106 out of 365 days for which they each received less than \$900 CAD. While this is the highest number of days in a year since the Conservancy was established (largely due to land issue related meetings), it is clear that Management Committee members do receive substantial income from their part-time activities as Conservancy leaders.

While the Management Committee of the Conservancy did well in guiding the Conservancy through the planning and implementation stages of the Conservancy's development, some persistent problems remain. The first of these has to do with the collective and individual abilities of the members to be assertive not only with external parties such as the donors or a tour operator, but also in disciplining the Conservancy staff and committee members. One of the adjustments that leaders must make in order to serve on the Management Committee is that they must be able to make quick and crucial decisions regarding the Conservancy and natural-resource use. From the early days of the Conservancy's existence, the Management Committee demonstrated a reluctance to take decisive action on issues that affect the wider Conservancy membership directly, such as contracts with service providers, or in negotiations with external entities. Management Committee members have pointed to the fact that in the past, decisions were taken after deliberation by a much larger group, and that decisions were made on the basis of a community consensus rather than being made by one person or a small group of people (R25.90, 24.06.08, Mangetti Dune, Translated by C.W.; R25.105, 07.07.08, Mangetti Dune, Translated by C.W. and F.G.). This lack of assertiveness on the part of the Management is a challenge that has been identified by the Conservancy Committee and some of its main donors. To this end, the Integrated Community-based Ecosystem Management Project (ICEMA), together with WIMSA and the LAC, arranged for the members of the Management and Conservancy Staff to attend a three-day Assertiveness Training Workshop.

Several issues arose from this workshop. The first was reluctance on the part of Conservancy leaders to be assertive with their colleagues and to punish wrong-doing, a tendency which I observed at several Management Committee meetings. On this point, the former treasurer of the Conservancy, the only non-San to have served in the Management Committee, pointed to what he called the "culture of the San," and stated that according to his observation of his colleagues, they did not discipline their San-speaking staff to the fullest extent possible because they value friendship and family over productivity. Another reason for the lack of willingness or ability on the part of the management to sanction staff or leaders was that there are so few local people qualified, and that sanctions may lead to the departure

of these persons from leadership roles in the Conservancy (ibid.). In response to this, all members of various San-speaking groups openly acknowledged that the San, on the whole, usually avoid open conflict. The Coordinator of the Conservancy pointed out that “San people will talk a lot about what is wrong with a person or an idea but when they meet that person face to face or the idea comes up in the meeting and is being pushed by someone else then they will not speak or speak much softer than they did before” (ibid.). There is an open acknowledgement on behalf of the San-speaking leadership that changes must be made to past behaviour patterns and preferences; in order to deal with the responsibilities placed on them by the membership, they must adjust to the conditions under which they operate. During the training, everyone agreed that the leadership must become more assertive—not only in dealing with non-Conservancy members and other institutions or organizations, but also in disciplining their own, be they members of the Conservancy Committee or staff of the Conservancy.

Even when the leadership and staff have been successful in being assertive in safeguarding the interests of the Conservancy, they have faced condemnation from the membership. Such a situation was recounted by a Management Committee member when he spoke of negotiations between the Conservancy and a firm wishing to purchase unprocessed natural resources from the Conservancy. He described difficult and tense negotiations, which ended with a single offer from the buyer to purchase the resource at a non-negotiable price. The Conservancy team then stated that they thought that they might be able to get a better price for the resource in the future, or perhaps from another buyer, and the negotiations ended. When the negotiation team reported this outcome to the membership, the Management Committee faced stiff condemnation from a section of the membership who stated that any price was better than no price, that the membership needed the money, and that the committee should have made the deal. This is an example of the kinds of pressure that the Management and staff of the Conservancy face in trying to ensure that resource use and marketing are not only sustainable, but also that the Conservancy and the harvesters receive a fair price. Widespread poverty among the membership has led to a situation in which an immediate price for Conservancy resources is often preferred by the membership to one that resides in the future no matter how lucrative. In such a context, it is difficult for the leadership to be assertive in negotiations over the sale of natural resources and to take a stand for what they perceive to be a fair price as opposed to one that is based partly on the poverty of the harvesters.

Raising the capacity levels of the membership and leadership in order to meet the challenges that they face has been a priority of Conservancy leaders since Conservancy inception. To this end, the Conservancy has employed well-educated Namibian nationals and

foreigners to provide training to the staff, leadership and membership of the Conservancy in issues related to Conservancy development. It has also contracted external organizations to provide training related to human wildlife conflict, financial management, upgrading of educational results, assertiveness, business planning, tour guiding, tracking and tourism services, institutional governance, game guard training, devils claw harvesting (Nǀa Jaqna 2007 4), and the Namibian Communal Land Reform Act (Nǀa Jaqna Conservancy 2009b 2). One Conservancy leader said the following about the capacity building efforts of the Conservancy:

R: We can see that we need San people with capacity in the Conservancy, in leadership roles. We really do not have many people with the capacity that is needed. Right now we the San are people who are always under the supervision of someone else. From now into the future it is up to us to step up and take control. I can see that there are many workshops going on currently. It is a good thing that the Conservancy has done to bring the training and the good results are coming up now. (R25-91, 24.06.08, Mangetti Dune, no translation)

Another leader pointed to the success of these capacity-building efforts, not only for the Conservancy, but also for the government and the country as a whole:

R: One impact of the Conservancy is the activities that are happening in the Conservancies. Most of these activates are developmental activities and they are helping to develop the people here and also the entire country as the Conservancy is bringing in capacity to the area. The Conservancy is linking the people with the organizations that can build the capacity of the people. The government has done little for the capacity of the people. We are building the capacity of the people, the Management Committee and the Staff. The knowledge that they have now is not the knowledge that they had before. There is positive impact of all of this capacity building in the Conservancy. Look, it is not only a benefit for the Conservancy. We also know that the office of the MET is only in Tsumkwe. They are not here in Tsumkwe West. All of the protection of the game and the water that is happening here is due to the training that the Conservancy has brought the people. The capacity of the Conservancy is helping the government. Even through the event book system the MET are getting information for use in their office and in the Ministry. That is only coming from the Conservancy and before the Conservancy was gazetted the MET would have used more recourses and now the government resources are being saved through the Conservancy and the people themselves have more knowledge and are able to do more for themselves. (R25-103, 25.06.08, Mangetti Dune, translation C.W.)

It is clear that the leadership and membership are benefiting from capacity-building efforts of the Conservancy. One of the positive outcomes of CBNRM programs is that they keep some productive youth in rural areas they may have otherwise left (Arntzen 2003 30). The Conservancy has faced problems in retaining members that have the skills neces-

sary to operate the Conservancy. Since my arrival as Conservancy Coordinator in 2003, several leaders and staff members have chosen or been forced to leave leadership or staff positions. As mentioned above, due to historical and contemporary circumstances in the area, few Conservancy members have received adequate levels of education. When it was clear the government would grant Nǃa Jaqna Conservancy status, the original Conservancy Development Team consisted of me and two local San-speaking young men. One of these team members had received a diploma in wildlife management from a South African technical college. He was one of the first San to do so in the country, and to my knowledge, was the only Conservancy member who had received such a high level of education. He had done so with the assistance of WIMSA under the agreement that upon completing his studies he would return to the Conservancy to apply his new knowledge towards the development of the Conservancy and his people. This individual worked with the Conservancy as Wildlife and Resource Management Officer for two years. He then left the Conservancy for a higher paying job with the Namibian Red Cross. His replacement on the team did not have the same level of education, but had completed secondary school, and had a skill set and the drive to assist the community that made him a good candidate for the position. He too left the Conservancy after receiving training paid for by the Conservancy and WIMSA to take a post with the national government in Tsumkwe.

Members of the Conservancy Management have also resigned their leadership positions to take up government employment. Following the untimely death of the first Conservancy secretary, another beneficiary of the WIMSA education program took up the post of Conservancy secretary. This individual performed well and was eventually offered teacher training, which he accepted, and which resulted in his being unavailable to serve the Conservancy Management. The former Conservancy treasurer also left his position to take up a job with the government in Tsumkwe. These individuals cannot be blamed for wishing to take advantage of their training, and to better their lives and those of their families. These individuals are in demand for their command of San and English languages and their skill sets which have been augmented by their involvement with the Conservancy. However, the fact remains that the Conservancy cannot compete with the salaries and benefits offered by the governmental, private, and NGO sectors. This results in a brain drain of many of the most talented San speakers from leadership and employment with the Conservancy. Acquisition and training of staff is costly, and high turnover is far from efficient. The retention of local talent remains a challenge for the Conservancy as it moves forward.

One of the greatest challenges the Conservancy leadership has faced is the management of expectations and issues that fall outside of the purview of the Conservancy structures. According to one researcher, the great need for land tenure reform in Namibia, in order to

address inequalities in land distribution and use in the private and communal lands of the country, has created high and unrealistic expectations for the Conservancies. He further points out that focus of Conservancy legislation on rights to benefit from wildlife are not well suited to meet economic development and poverty elevation expectations that many have now placed on the Conservancies (Hoole 2007 17). These types of poverty elevation expectations have also found voice among Nṭa Jaqna's membership. To this end, the Conservancy leadership and staff have done their best to maintain expectations of the membership at a reasonable level. Despite these efforts, there have been some periods when the expectations of the membership have risen to levels that have not been met by the Conservancy.

In early December of 2007, the Conservancy staff, together with some Management Committee members and some members of the !Kung TA, visited the villages of the Conservancy for the purpose of updating the membership on Conservancy developments and to update the Conservancy registry ahead of issuing membership cards. These meetings were complete by mid-December. As the Conservancy prepared to shut down the office for the Christmas and New Year's break a rumour began to circulate among the membership that the Conservancy was preparing to distribute N\$300 to each of the members. This rumour happened to coincide with the distribution of cash payments made to the members of the Nyae Nyae Conservancy for the amount of N\$300 referred to locally by many as the Ju'l'hoan Christmas bonus. When the Conservancy informed the membership that no payment would be forthcoming, the staff was met with some angry remarks from the membership who had become attached to the idea of having some extra cash around the holiday time. The common expectation that the Conservancy will provide the general membership with regular payments is exemplified by the statement of a member below:

R: When Nṭa Jaqna was first established there was a program for the Devils Claw and the people used to survive from there... What we would like is what the Conservancy said when they started, they will write the members and then start paying them, those people who were written, so we can get some money to buy something to eat but since the Conservancy started we are just sitting here without any money. (R25-10, 22.01.08, Grasshoek, translated by F.G.)

Many people echoed the plans of the Conservancy Committee to pool Conservancy income towards developmental projects like schools and medical clinics to serve the membership.

The financial benefits that are accrued to members are limited. As pointed out by Suzman "rewards are appealing only relative to existing conditions of rural poverty" (Suzman 2001 133). Studies have shown that in some areas like Nṭa Jaqna, the revenues generated

per hectare through tourism ventures and trophy hunting can exceed the marginal returns generated through subsistence agriculture (Ashley 2000; Ashley and Barnes 1996). These revenues can only supplement other sources of income even under the most favourable of conditions. Policy makers never envisioned CBNRM as the sole or principal income generation option for communities, which have formed Conservancies.

The aim was to provide a living wage for some and to generate a flow of indirect benefits to others, thus expanding the number of options open to communal areas dwellers to generate additional income (*ibid.*, 134). As Ashley and Barnes have pointed out, "The question is not whether wildlife can provide enough to become the only option, but rather, whether it will become a major addition to livelihoods and hence a viable constituent land use" (Ashley and Barnes 1996: 19). Despite this contention of policy makers, the Conservancy operates in a context in which it struggles to meet poverty alleviation expectations placed on the Conservancy by both government officials and its own membership. It also has devoted scarce resources to providing services to the membership that should be provided by the government, such as provision and transportation of diesel for water pumps and transport of police and sick people. It also deals with expectations that it will provide services that should be provided by the private sector, such as transport to and from town for access to government offices, and transport of food and other goods into the area for resale.

Perhaps the most pressing issue has been that of funding the operations of the Conservancy and developmental projects in the area under the Conservancy structures. Funding has come mainly from international donors. It has taken the form of grants to pay for technical assistance, local NGO facilitations and training activities, as well as some recurrent costs and capital investments (Barnes, MacGregor, and Weaver 2001: 18). One of the impacts of the implementation of Conservancy governance structures has been a marked influx of donor money to the area. In fact, the Conservancy has an excellent record of obtaining funds that they have applied for. They have received money for water development, infrastructure, capacity building, participatory planning, staff costs, and tourism development. The support from Conservancy donors is presented in table 5.3 below. The Namibian CBNRM Program aims to gradually replace donor inputs into conservancies by income from natural resource management and use with the ultimate goal of leaving Conservancies self-sufficient. This has happened to some extent but so far no Conservancy is entirely self-sufficient financially, and many still receive a significant proportion of their income from the donor community (Barnes, MacGregor, and Weaver 2001: 18). Ntja Jaqna has also entered into revenue-generating agreements with a number of external organizations who purchase renewable resources from the Conservancy.

Donor	Type or Targets of Support
WIMSA	Materials, training, running costs, vehicle, salaries, and logistical support for the first two years of operation 2003–2005.
French Embassy of Namibia	Water point development, staff housing, field work costs, office equipment, staff training, Conservancy Committee sitting allowances, financial support for AGM.
UNDP	Vehicle costs, game water point development, mapping costs, tourism planning, income generating projects.
NNF	Office construction, vegetable gardens.
VSO	Office equipment.
Eden Wildlife Trust	Vehicle, game water point development.
ICEMA	Strategic Social Assessment, wildlife introduction infrastructure, game capture and transport, introduction of high value species, signage, field equipment, running costs, office equipment, training, game water point development, game guard costs.
MET-Game Product Trust Fund	Game water point development.
DED/KfW	Financial support for AGM, community forest support.
NAMAS	Radio communications, staff costs.
NNDFN	Computer Equipment, portable generator, devil's claw training.

Fig. 5.3: Donor Support for Nǃa Jaqna Conservancy 2003–2008

The 2009–2010 Conservancy budget shows that with donor support the Conservancy was able to meet all costs of its operation and project costs and to place N\$ 50,000 into the Benefit Distribution Account for the benefit of the membership in the future. It is hoped that bi-annual transfers to this account will eventually lead to cash payments and district level development projects being realized. It also placed N\$30,000 into an investment account to be used to purchase a new Conservancy vehicle in the future. In addition to the deposit made in the Benefit Distribution account, it also passed on to the membership benefits with a monetary value estimated at N\$199,000 related to Conservancy income-generating projects, transport, and labour opportunities. Nǃa Jaqna has been successful in balancing its budget since 2008. In April 2009, the Conservancy had a positive balance of N\$51,196 (largely the result of an influx of prize money from the Equator Initiative). The total income generated by the Conservancy activities more than covered operational costs. While donor funds were some N\$24,000 greater than income generated by Conservancy activities, this is largely due to investments in costly fixed assets that should benefit the Conservancy members

for years to come. A study conducted in Namibia challenges the assertion made by Infield (2001), that partial dependence on donor funding makes CBNRM programs unsustainable. The authors of this study point out that loss of donor income does not eliminate financial incentives for the membership of most Conservancies in engaging with CBNRM. They also point to the intangible benefits that may motivate resource user support of CBNRM, such as empowerment, training and improved livelihood security (Barnes, MacGregor, and Weaver 2001: 18). Donor income will remain important to the Conservancy in the near future, but it is envisioned by Conservancy leaders that with the success of the game introduction program and increased revenue from tourism and trophy hunting the Conservancy will be able to become donor-independent in the coming years (Ntja Jaqna Conservancy 2009a).

The Conservancy has found itself filling the void left by the absence of private sector activity and services and an absence or under-funding of government structures and services. Based in part on its success and the level of trust that the membership now has in the Conservancy, its institutions and its leaders, the Conservancy has been asked to take on all sorts of problems or issues that it was not originally created to solve. At the same time, it has become a conduit for local input into governmental and the private sectors. A Conservancy leader said the following about the roles that the Conservancy has been asked by the membership to play:

R: ...people coming with all kinds of problems and putting it on the Conservancy, whether it is really an issue for the government or the private sector. People are coming to the Conservancy with everything. They expect it to be a court, a bank, an orphanage, a lawyer, a farmer, a bus company, a shop, everything. I think that on the issue of capacity one of the important impacts of the Conservancy is that people are using the Conservancy because of trust that they have in it and the capacity that it has to act for the people. With the community they see the Conservancy as having the capacity to negotiate for or implement the things that they need from the private sector or the government. If there is no water because a community has no diesel for the pump then instead of trying to deal with the government they come to the Conservancy for diesel or at least they ask the Conservancy to ask the government about the diesel for that pump. They feel that the Conservancy cares and that they have the skills to deal with the problems or solve them without the government. (R25-103, 25.06.08, Mangetti Dune, translated by C.W.)

My field notes are filled with instances where the Conservancy office was approached by members requesting all sorts of assistance, including, but not limited to, water problems, personal loans, transportation, housing, legal advice and representation, educational opportunities and financial assistance, burial of relatives, phone/fax and computer use, agricultural inputs and seeds, ploughing services, food and drought relief, voter registration, access to government pensions and vulnerable children's grants, and employment. It has proven

impossible for the Conservancy to meet all of the expectations of the membership. The Conservancy continues to assist government services, in that it provides regular assistance to the Namibian Police in the form of transport. It also provides transport of sick people to and from health centers inside of the Conservancy and the closest hospital more than 2 and half hours' drive away in the town of Grootfontein. It also regularly assists with the transport of fuel from the government distribution point in Tsumkwe to government-owned boreholes throughout the Conservancy. While the Conservancy has not been able to accommodate all requests for assistance forwarded by the membership, it has provided a link between local people and other organizations who may be able to assist them, such as the LAC for legal issues or WIMSA for educational assistance. These links and facilitation of communication between members and governmental and non-governmental service providers is a benefit that the Conservancy has passed on to the membership.

The evidence outlined above indicates that the management of expectations and filling the gaps left in government and private sector service provision remains a challenge for the Conservancy as it moves forward with its development. As will be discussed in the following chapters, due to local perceptions of failure of other local institutions such as the !Kung TA, the local populations have turned to the Conservancy as an avenue through which not only to receive benefits associated with CBNRM, but also one through which to pursue and protect interests of the membership which can be seen as lying outside of the CBNRM framework. This situation puts a lot of stress on the CBNRM institutions in Nǀa Jaqna, and at times has put the Conservancy in conflict with the !Kung TA, the ruling party and the state government.

These challenges and the efforts on behalf of the Conservancy leadership to meet them demonstrate that forms of leadership and decision-making are changing in Nǀa Jaqna as a result of the implementation of the CBNRM framework. The Conservancy Committee has succeeded in establishing the structures necessary to ensure that the Conservancy leadership is representative of the membership, transparent in its operations, and accountable to the membership. The Conservancy has been successful in establishing funding sources, and has proven its ability to deal with the distribution of benefits accruing from CBNRM in a fair and equitable manner. Success has given rise to a set of challenges related to capacity-building and retention and the management of the expectations of the membership. In devising strategies to meet these ongoing challenges and to meet the demands of the being a player in the national arena in which they are now operating, the leadership and membership of Nǀa Jaqna have developed unique and flexible governance structures that have empowered the membership to have a strong voice in resource management decisions and to reap the benefits of these decisions.

Conclusion

The implementation of CBNRM has resulted in environmental, social, economic, and political change in Tsumkwe District West. Common notions of the nature of community employed by the framework are challenged by the experience of the San of Ntja Jaqna. Yet, the establishment of the Conservancy has given rise to new forms of community and local conceptions of belonging and exclusion. The environment of the Conservancy has been altered by the erection of new boundaries enclosing people and the resources on which they depend. Human interaction with the environment has come to be understood and is represented in new ways via the participatory mapping process that has taken place. The membership of the Conservancy has been empowered to participate in the governance and decision-making concerning local resources, and to benefit from the management of these resources to a greater extent than ever before. The people of Ntja Jaqna have now established their own resource governance institutions and devised new forms of decision making that have drawn on customary practices. These have been designed to meet current challenges and to anticipate future developments. As a result of the establishment of the Conservancy, local, regional, and national power dynamics have been realigned. Resource governance has positively benefited the membership, and it has also presented them with new and unanticipated challenges. CBNRM has given shape to new relationships between the membership of Ntja Jaqna and between the Conservancy and the state. In addition, CBNRM has served to alter the conditions under which various interests in CBNRM and the resources of Ntja Jaqna are harmonized while others continue to diverge.

6 Land Reform and the San of Nǀa Jaqna

A black man came across a white traveler as he was going about his regular activities. The white man asked the black man where his land was. The black man told the white man that the land belonged to his people. The white man then asked for a piece of land to put his camp on in exchange for money. The black man asked him how big a piece of land he would like or need. The white man's response was that he only needed a piece that was no bigger than an animal skin spread on the ground. The black man agreed and took his payment and happily returned to his family.

After some time the white man went to the black man and told him that he had staked out his camp and that the black man should come and have a look. The black man was surprised to find that the land taken by the white man was indeed covered by an animal skin but that the animal skin had been cut into the thinnest of strings and this covered a large area. The black man protested but knew that he had already eaten the money that he had received from the white man and that he would have to go home and explain the loss of land to his people knowing that he had been tricked. (Story told by San leader at a meeting with Conservancy lawyers related to governmental attempts to allocate lands in the Conservancy for the purpose of resettlement as part of the National Land Reform Programme)

The land issue in Namibia is complex and involves a number of interrelated issues. Questions of social justice are interwoven with questions of how to provide the nation with economic security and those related to fostering greater equality through income distribution and development. Achieving sustainable agricultural performance while redistributing land under both communal and freehold systems of land tenure presents the national government with a major challenge, and is the purview of the National Land Reform Program. The Land Reform Programme also presents a number of challenges for the San residents of the Nǀa Jaqna Conservancy as they attempt to pursue collective goals via the Conservancy structure in a communal area of the country. National debates about the progress and goals of the program, and machinations surrounding implementation of the land reform in the country, have on-going implications for the membership of Nǀa Jaqna. The National Land Reform Programme and debates surrounding it will be explored in this chapter. The experiences of the people of Nǀa Jaqna with land reform will be examined against international and national debates, and Namibian governmental policies. Land reform has not only systematically failed the San but now threatens the sustainability of the Conservancy, an evolving local institution the San have turned to in attempts to safeguard their land rights in the face of non-San and governmental claims to Conservancy lands and resources.

Southern African Land Reform in the International Context

This section will explore the role that the international community continues to play in framing the Namibian government's response to a perceived need for land reform in the country. It will examine the implications of the internationally brokered peace settlement that paved the way for Namibian independence and the constitution that came out of these negotiations for the land reform program in post-independence Namibia. It will also examine the role of farm occupations in Zimbabwe in helping to form international opinion on land reform in Namibia.

The international community has played a significant role in shaping the forms that land reform has taken in Namibia to date. At the beginning of the liberation movement, SWAPO and its military wing PLAN, relied on Marxist ideology with an emphasis on the just distribution of land to elicit support. However, at Independence SWAPO quickly dropped the socialist components of its platform. The end of the cold war in the 1980s transformed the environment in which African political systems operated (Wiseman 1995 3). Many authors have attributed the abandonment of socialist ideals to the breakup of the Eastern Bloc and the fall of communism. However, the shift away from socialism should not be attributed solely to changes in the global socialist order (Tapscott 1994 31). The abandonment of socialist ideals and the emphasis on the just re-distribution of land can be explained by the fact that despite the rhetoric supporting a socialist path on the part of SWAPO as a liberation movement in exile, the goal was always Namibian liberation with SWAPO in control. The main strategy employed to reach this goal was a diplomatic one. As SWAPO looked for international support for the liberation movement and support for an independent Namibia, they were forced to shift their own internal policies to match those of members of the international community that supported SWAPO. From this perspective, the shift away from socialist ideas of land reform as a tool to promote social justice towards multi-partyism, reconciliation, and mixed economic policies becomes understandable (Lindeke 1999 340).

Agreements signed prior to independence have limited the government's options in relation to land reform (Pankursy 2000 241). With the fall of the Soviet Bloc and reduction of aid coming from outside the west, SWAPO had little choice but to turn to western donors for assistance. During negotiations for the transfer of power and the running of free elections in the country, the United Nations set up an institute in Namibia to advise the incoming SWAPO government on policy issues and to direct aid money. The United States played a leading role in the affairs of the institute, donating staff, money and materials to the effort. Pankursy (2000) documents how Americans at the institute pressured the incoming SWAPO-led government to question the desirability of African forms of land tenure, and

pushed for the retention of the status quo suggesting that this was in the interest of stability. With little choice but to retain good relations with the Americans, SWAPO agreed to endorse agreements with white commercial farmers that worked in favor of the minority (Pankursy 2000 245).

Western countries have helped to shape peace agreements in Africa through a variety of non-coercive and coercive means (Dibie 2001 228; Kpundeh 1992 3; Wiseman 1995 4). Weiss (2000) outlines the role played by the international community in the Namibian peace process and argues that SWAPO used the international forums at its disposal, such as the United Nations, to end minority rule in the country. She points out that agreements brokered with the help of some of the same members of the international community reflect a level of compromise that reduced the level of radical changes in land policy.

Prior to independence, SWAPO remained a relatively small player in negotiations that brought about independence, and did not even sign some of the agreements that allowed for the transfer of power (Pankursy 2000 234). The terms of independence settlement are critical for understanding land reform in the country. The agreements signed prior to independence served to entrench the ownership of land as the principal means of production and control of the civil service in the hands of the settler community (Moorsom 1982 69). An example of this type of agreement is the "Constitutional Principals" document that provided a basis for the form that the Namibian Constitution took at independence. The Constitution established a unitary democratic republic, a bill of rights, and a form of governance in which an elected president exercises executive power to appoint a cabinet composed of members of the National Assembly (Forrest 1993 92). Chapter three of the Constitution deals with fundamental human rights and freedoms. Clause 1 of Article 16 enshrines the right to acquire, own and dispose of land in any part of Namibia, individually or in association with others. Clause 2 allows for property to be expropriated by the state "in the public interest subject to the payment of just compensation" in accordance with the "requirements and procedures to be determined by an Act of Parliament" (Namibia Agricultural Union 1991 2). While the Namibian Constitution is considered by some as Africa's most democratic (Griffiths 1996 473), it has come under attack from some segments of the Namibian population for compromising on the land issues and ensuring compensation to the settler community for land purchased by the government for the purposes of land reform.

In writing about land redistribution in the southern African region, Adams (2000) cites constitutional constraints as one of a variety of factors that explain why the question of land redistribution has not been adequately addressed, despite liberation rhetoric about fighting for lost land. Hunter (2004) also holds this point and states that although SWAPO was committed to land redistribution at the beginning of the liberation movement, at in-

dependence it found itself constrained by a constitution that stipulated just compensation for any private land acquired for the purposes of land reform. The following quote from a position paper submitted by the SWAPO Youth League (SYL) to the National Conference on Land Reform and the Land Question in 1991 illustrates some of the frustrations shared by those who view the Constitution as limiting the government's ability to execute radical land reform in the interests of social justice:

In view of our present Constitutional dispensation, which makes property rights a cornerstone of independent Namibia, SYL finds it almost impossible for the aspirations and dreams of the majority of our people to be realized...SYL would like to submit further that the majority of the Namibian people were not consulted during the drafting of the Constitution... The present Namibian Constitution is not a clear testimony or reflection of the aspirations of the majority of the Namibian people ... The battle over the Constitution was and still is as vital for the Namibian people as the battle of independence was... (Leys and Saul 1995 182)

The ability of the Namibian government to undertake meaningful and significant land reform is constrained by the contents of international agreements and internal legal arrangements, which have been influenced by the international community. After independence, the international community has continued to make its presence felt in national debates surrounding the form and functions of land reform. Events in neighboring Zimbabwe have had an impact on discourses and debates surrounding land reform in Namibia.

The form and pace of "fast track" land reform (e.g., widespread government expropriation of white owned farms) in Zimbabwe between 2000 and 2003 has served to (re)kindle a passionate debate about the land question in the southern African region. The specific form of land occupations and the intimidation and violence that accompanied them raised the possibility of similar developments in the countries of the region, including Namibia (Hunter 2004 68). Events in Zimbabwe served to harden some members of the international community's position on the desirability of gradual reform based on the willing-buyer willing-seller principle, particularly among the developed countries of the west (Staff Reporter 2007; van Schalkwyk 2008), and it also evoked some sympathy for the path that Zimbabwe had taken. For example, President Thabo Mbeki of South Africa took the position that the wider crisis in Zimbabwe was the result of a failure to redistribute land. The Secretary-General of the African National Congress, Kgalema Motlante, was quoted as describing "land invasions" as "protest action" against the failure of land reform (Lahiff and Cousins 2001 79).

The attitudes of the international community have shaped the forms that land reform has taken in Namibia. International debate on the issue of land reform in southern Africa mirrors those that continue in Namibia. The following section will examine land reform as

it is practiced and debated in the Namibian context. It will be followed by a closer examination of the interaction of Namibian San and the San of the Nǀa Jaqna Conservancy with the government's efforts towards land reform.

Land Reform in Namibia

The Namibian government is faced with a complicated tension between the desirability of the status quo, the need to avoid undermining the intricate role that commercial agriculture plays in the economy and the need to undertake structural changes in order to address issues of hunger, poverty and social justice (Bryant 1998 185). The former Minister of Lands from the Southern African Development Community (SADC) identified this tension in calling for land reform to be the platform on which southern Africa may restructure its economies and bring peace and stability to the region. The minister framed the tension in the following way: "The need for an equitable balance in addressing the land demands of the rural and urban poor on the one hand and the need to empower Indigenous entrepreneurs on the other" (Madava 2001 2).

Control of land and land reform is a central issue in Namibia where a majority of the people derive a living from the land as commercial or subsistence farmers, or as workers employed in agriculture (Werner 1993 135). Historically, approximately 90 percent of the population spends at least part of their life on the land, particularly in childhood and old age (Moorsom 1982 9). As land supports the majority of the population, agriculture, directly and indirectly, has a great influence on the economy and on employment as well as income distribution. In terms of employment, it is important to note that investment in settler ranching has been designed to save labor rather than to create jobs. The increasing capital intensity of production methods on commercial farms reduces the scope for creating desperately needed employment (Moorsom 1982 66). It is commonly held that a properly reorganized ranching sector could support a higher resident population. It is also widely held that in countries with large rural populations, such as Namibia, not even the most dramatic land reforms would create adequate opportunities for the rural population to find work (Namibia Agricultural Union 1991 17). However, the importance of land reform in the country should not be underestimated for employment and other symbolic functions. The importance of land reform for the creation of employment opportunities and for the unity of the country was emphasized by the founding Namibian president Sam Nujoma when he said the following in one of his addresses to the Namibian nation, "Land reform should be seen as the only means for guaranteeing the livelihoods of thousands of people in Namibia and a way of ensuring peace and stability" (Pankursy 2000

241). The following quote attributed to a Namibian opposition party member sums up the importance of land and land reform to Namibians: "Land is everything. When you have no land you have nothing. With land you have something to live for and paradoxically, something to die for" (Shigwedha 2002 1–2).

For the San, control over land and land reform is also important. Academics have observed that although the San have had a strong heritage of hunting and gathering, most San today express their preference not to live primarily off subsistence hunting and gathering (Taylor 2006). My research supports this contention as San in Nǀa Jaqna often informed me that hunting and gathering is not only increasingly difficult, but also that it involves periods of hunger. However, these same informants also expressed a desire to integrate hunting and gathering as important elements of their identity with other forms of livelihood. Most of all, as with other groups the world over, the San of Nǀa Jaqna would like to control their own destiny rather than have it dictated to them by more powerful groups or the government. In negotiating livelihood options for the future, which would include hunting and gathering along with livestock and crop farming as well as engagement in tourism, gaining and maintaining control over land is a central concern. The importance of this was expressed by a Ju'hoan delegate to a regional conference on "The San and Development" held in Gaborone in 1993 when he said "We have so many plans and things to do, but without the right to land, we cannot do any of them. We first need land to call our own, then we can move forward" (Taylor 2006 3). The current need for land and land reform expressed by the San and other Namibians has its roots in the colonial history of the country.

Conflicting claims about rights to and control over land that circulate in debates about land reform today can be clearly traced back to the divide and rule policy of the early colonial period in Namibia. The Germans came to Namibia in 1883 and signed so-called friendship treaties with indigenous communities, which assisted the Germans in their efforts to colonize these people. Soon after the arrival of the Germans, the central and southern parts of the country were proclaimed a police zone. This declaration essentially split Namibia into two parts. In the northern part of the country there was less land dispossession and direct colonial rule. This was partly due to the lower mineral potential of the North, the fact that half of the African population lived in this area, and the fact that the Germans did not wish to engage with this population militarily. In 1915, South African colonial troops overpowered the Germans, and as a result, South Africa's homeland policy and other discriminatory policies were extended to cover the newly acquired territory, which makes up contemporary Namibia. The first of these South African policies related to land was the Native Reserve Commission of 1920, which advocated the continuation of the German native reserve system. The Odendaal Commission Report of 1964 favored an extension of several native

areas and their consolidation into ethnic homelands. Pass laws and the contract labor system were introduced to confine the majority of blacks into their designated ethnic reserves and to ensure that they were only recruited as cheap labor (Karuuombe 2003 6). During the colonial period, much of the land in Namibia south of the Police Line was distributed to white settlers.

Dealing with the colonial legacy of skewed land ownership was one of the greatest challenges facing the first government of the newly independent Namibia in 1990 (Hamma and Sixtensson 2005 73). At independence, the settler community, together with a small black elite that emerged under the interim governments between 1978 and 1989, comprised just five percent of the population, but in 1989 were estimated to control 71 percent of the Gross Domestic Product (GDP) (Tapscott 1994 30). In contrast, the bottom 55 percent of the population controlled just three percent of the GDP. At independence, whites dominated many sectors of the economy, including agriculture, fishing, mining, and tourism (Weaver and Elliott 1996 210). Unemployment among black Namibians was high and added to the gap between the rich and the poor in the urban areas (Forrest 2000 107).

The land ownership color-bar was formally removed just prior to independence. However, the landscape still remained functionally divided into two distinct land tenure zones. The first of these was the large freehold farming zone and a series of communal areas that had been managed by a number of second-tier “tribal” authorities prior to independence (Suzman 2001). In current administrative practice, land is classified as state land, communal land or commercial land. Each of these categories gives certain rights and responsibilities to the people who hold rights over the land. Both urban and rural land may fall within any of these categories. State land is land that belongs to the state. Under the Constitution, all land, water and natural resources belong to the state unless lawfully owned by another individual. As owner of the land, the state can decide what to do with the land, whether to add it to the communal areas or to sell it so that it becomes commercial land. The state can decide whether to allow people to stay on a particular piece of land or to rent it out while remaining the owner of the land. A network of protected areas covers approximately 14 percent of the Namibian land mass and is considered state land (Weaver 2003).

Communal land is vested in the state by the Constitution. The state is “under duty to administer communal lands in trust for the benefit of traditional communities residing on these lands and for the purpose of promoting the economic and social development of the Namibian people” (Legal Assistance Centre of Namibia 2003 XI). Communal lands cannot be bought or sold. For many people who engage in subsistence farming in the communal areas, land is not a luxury so much as a necessity (Suzman 2001). The communal areas of the country comprise approximately 41 percent of the country’s area (Melber 2005 138). It

is generally accepted that around 60 percent of the Namibian population currently resides in the communal areas of the country. Of these 60 percent, 85 percent are located in the North and Northeast of the country where the Nǀa Jaqna Conservancy is located (Watts 2003 339). In these areas, most farmers acquired access to and held land rights under customary regimes.

However, since the 1970s, the wealthy and well-connected elite have gradually enclosed communal rangelands for their private use. They have done so largely without any authorization from traditional authorities or the central government. Due to neglect of these areas in terms of infrastructure development, as well as a high concentration of people and livestock, the vast majority of the residents of the communal areas are small-scale farmers who are barely able to satisfy their subsistence needs. Many have to augment their agricultural outputs with non-agricultural income streams in order to make ends meet (Werner and Odendaal 2010 18).

Commercial land encompasses 44 percent of the land mass and is made up of approximately 6,100 private farms (Werner and Odendaal 2010 3; Weaver 2003 2). Commercial land can be purchased by private individuals who then become landowners. Under colonial administrations, commercial land allocations were made along racial lines. This has resulted in a number of long-standing grievances with regard to the land (for more on the alienation of San lands during the colonial period see Chapter 2). In this freehold sector, landowners operate large-scale farms or ranches, which breed livestock for commercial purposes. Generous subsidies and access to concessionary financing enabled white settler farmers to develop infrastructure on their farms. However, despite such subsidies, commercial farming remains risky and has experienced severe economic and financial strain since the period leading up to the independence (Werner and Odendaal 2010 18). The commercial and communal land use systems operate in similar ecological environments but have contrasting management aims. In the commercial system, livestock production and land is used by farmers to ensure maximum growth of livestock during their first year of life, low mortality rates, and steady production of meat that exceeds the standards demanded by the international market. On the other hand, communal farmers have multiple objectives in their production. Both milk and meat are important to communal household food security. Livestock provide a form of banked capital that can be used to pay for household expenses, such as school fees and medical emergencies. In the communal areas, livestock are much more often used as draft power in agricultural pursuits and for transporting goods and people (Hongslo and Benjaminsen 2002 323).

Namibia is not only marked by unequal access to land but also by one of the most unequal income distribution patterns in the world (Lindeke and Shejvali 2007 8), with a Gini

Coefficient of 0.63 in 2003/2004. Explanations for this state of affairs most often center on the racist policies of the apartheid regime prior to independence that restricted the access of the majority of citizens to economic and social resources (Carton 2000; Forrest 2000; Fosse 1997 430; Fuller 1999 216). In addition, Namibia's reliance on the extraction of natural resources, such as diamonds, has meant that production is highly capital intensive rather than labor intensive (Werner and Odendaal 2010 6). Respected Namibian scholar Henning Melber has this to say about the link between the colonial past and the inequalities in land and economic status in the Namibia:

Today, gross inequalities in access to and possession of land are a reflection of this earlier colonial expansion. 2004 marked a century since the genocide started in the then "German South West Africa" and is a reminder of the origins of Namibia's skewed land distribution. Whatever rationale for seeking solutions to this impasse are utilized, this memory cannot be tilted among the generations of victims. (Melber 2005 26)

Moorsom (1982) contends that at the threshold of independence there was little room for compromise between two radically different alternatives open to the new government to address this situation of skewed land ownership. One of the options open to the government was a continuation of the private enterprise ranching system in the interests of maintaining high levels of agricultural exports. The other was comprehensive agrarian reform, which would embrace both the commercial and subsistence sectors in an effort to erase inequalities in control over land (Moorsom 1982 10).

The government chose the route of agrarian reform acknowledging that such inequality in access to and control over land is not compatible with sustainable development and carries a considerable conflict potential. The government recognized the need for a comprehensive land redistribution and resettlement program that avoided conflict while promoting cooperation among stakeholders (Krugmann 2001 15). Thus, the land reform process began in earnest in Namibia soon after independence in 1990 (Hunter 2004 27). Since then, policies related to the use of land and resources have been articulated in a number of different ways. Perhaps the most prominent of these has been the National Conference on Land Reform and the Land Question, which was convened in the Namibian capital of Windhoek in 1991. The stated objective of the conference was to "reach a national consensus concerning the land question in line with Namibia's strategy of national unity and reconciliation" (Hamma and Sixtensson 2005 16). As such, the National Conference aimed to deal with many questions related to land and resource use in both the communal and commercial areas of the country. The conference was attended by representatives of the Namibian government, donor countries, academics, technocrats, NGOs, labor organizations, and special inter-

est groups. The San of Tsumkwe West were represented by Alvita Victor, a Vasekele leader who joined a Ju'hoan delegation at the conference. In relation to what he understood as illegal land allocations in what was to become the Nǀa Jaqna Conservancy, he addressed the conference by stating "*Ek is ontevrede!*" (I am dissatisfied!), which he repeated three times. His statement was shown on national television that same evening (Biesekele and Hitchcock 2010, 142). The Prime Minister's address to those assembled was telling with regard to the legal uncertainty and limitations facing the government, particularly in dealing with land reform in the communal areas of the country:

The new post-independence Regional Councils do not have the staff, local knowledge or the legal mandate to deal with land disputes and allotment or to monitor land use. These problems of the management of resources in communal areas extend beyond crop land and grazing to include other natural resources such as wildlife, firewood, fencing and building poles, materials for basket-work, veld food and what have you. As contributions of the conference participants will clearly show, each locality has its own unique set of inherited problems. Further, many of the solutions to these highly specific land issues can be generated only at the local level. On the other hand, local solutions have to be in accordance with a national policy on land use and rights of access to land and resources for all Namibians. (Namibia Agricultural Union 1991 15)

The conference itself did not have any statutory powers. It did however pass several important resolutions. Generally the advice emanating from the conference went on to be accepted as government policy. The conference resolutions are of particular importance for the San of Nǀa Jaqna. Resolution 14 stated that disadvantaged groups, in particular the San and the disabled, should receive special protection of their land rights (Botelle and Rhode 1995 7). This resolution is supported by article 23(2) of the Namibian Constitution, which states "The State shall actively promote and maintain the welfare of the people by adopting *inter alia* policies aimed at improving the following: maintenance of ecosystems, essential ecological process and biological diversity of Namibia and the utilization of living natural resources on a sustainable basis for the benefit of all Namibians, both present and future" (Republic of Namibia 1990 23[2]). San participation in the conference was largely confined to that of a very effective group of Ju'hoan San from Tsumkwe East and people that supported them. At the time of the conference, there was an absence of a clear land policy but what was clear was that larger ethnic groups in the country, namely the Owambo, Kavango and Herero peoples had the expectation that they would reclaim some of or all of their former lands. The position of the San in relation to the conference was clouded by the fact that many did not see them as a significant party to the process. Some reasons for this have been presented in earlier chapters, such as San involvement with the SADF and the fact that

the San lived a nomadic lifestyle in the past. The San were seen by many participants as not owning land and correspondingly of having little claim to land or rights to land. There has been a long history of Herero, Owambo and Kavango groups moving their cattle further and further into San lands as San land rights were ignored in the process. It is as a result of this history that many non-San view the San as being marginal people who live under the protection of traditional authorities or other groups, such as the Herero.

While San participation in the conference was perhaps unexpected, it clearly affected the outcome. San people presented papers, which detailed their claims and outlined their collective hopes for land reform in the country. They skillfully presented a map depicting about 200 N!oresi in eastern Bushmanland. According to academics, this document fully established that the San used the land on the basis of a well-defined relationship, which in turn clearly validated their claims to land rights (Legal Assistance Centre of Namibia 2006 37). It is also important to note that San presence at the conference had a direct impact on the National Land Policy that grew out of the conference. Land reform in many areas of Africa, and throughout the world, is often based on restitution, that is, the idea that those who worked the land at the time of colonization have a right to reclaim their lands. However, the conference rejected this policy in explicit terms stating “restitution of land rights abrogated by the colonial and South African authorities prior to independence will not form a part of Namibia’s land policy” (Republic of Namibia, Ministry of Lands, Resettlement and Rehabilitation 1998 3)4. This statement can be seen as recognition of the potential for significant San land claims throughout the country.

The potential impact of the land policy on the San and other minorities was softened by the following statement: “However, this policy does commit the special support to all landless or historically disadvantaged communities” (Republic of Namibia, Ministry of Lands, Resettlement and Rehabilitation 1998 3). There is little question that the preceding statement was understood at the time to apply to all of the San, as well as others, since the San are largely landless and historically disadvantaged. San were initially identified as the “principal” intended beneficiaries of the land reform program. The government defended this prioritizing of the San at the top of the list of intended beneficiaries thus, the San “have endured exploitation and discrimination at the hands of their fellow men throughout history... At present they are in the hands of commercial farmers and other big cattle farmers who have reduced them to modern slaves working for food and inadequate shelter” (Suzman 2001 16). The meaning of this statement for the San is underscored by the fact that the Land Policy has been immobilized and that there has been no meaningful distribution of land to either the landless or the disadvantaged. While the Jul’hoan delegation was able to gain recognition of their rights to use lands in the Nyae Nyae area of Tsumkwe District

East (Legal Assistance Centre of Namibia 2006 39), those who reside in Tsumkwe District West, who are now members of the Nǀa Jaqna Conservancy, operate in a context in which there is a lack of any special recognition in the government's National Land Policy of their claims to land and resources.

Since the initial government policy was established by the Land Conference in 1991, the government has taken many legislative and administrative steps to influence land reform in the country. The first significant land reform legislation to be ratified by the Namibian government was the Agricultural Commercial Land Reform Act of 1995, which addressed the "longstanding grievances about the injustice of colonial land allocations" (Republic of Namibia, Ministry of Lands, Resettlement and Rehabilitation 1995 3). The act sought a balance between the aspirations of the landless to acquire and own land with the desire on the part of the state to maintain a strong commercial agricultural sector to ensure economic returns (Suzman 2001). The legislation makes clear the need for land reform and makes provision for the government to appropriate land for the purpose of land reform. The act provides for the acquisition by the state of large, underutilized and foreign-owned freehold farms. The act also gives the right of first refusal to the state of farms that come on the market for sale. A Land Reform Advisory Commission was established under the act to advise the Minister of Lands on the suitability for settlement of the land on offer (Adams 2000 8). Transactions in land under the act operate on a willing-buyer willing-seller basis (Suzman 2001). Compensation has to be paid that is commensurate with fair market value of the land (Adams 2000 8). Tribunals have been established by the act that give the Minister of Lands the ability to have recourse to the law if a farmer wants to sell a farm to the government for more than the state is willing to pay for it (Karuuombe 2003 6).

The land rights of the families settled under this act remain weak. Ownership of the resettlement land remains with the state. Persons resettled on the land have a right to use and occupy the land but not to mortgage or rent the land, bequeath it for exclusive use, or to exclude others. Resettled farmers' rights contrast in an unfavorable manner with those farmers who have acquired land through government loans schemes or with loans from the national Agricultural Bank of Namibia (Agribank) (Adams 2000 9). The act also makes provisions for a land tax on commercial land, which was introduced in 2011 towards discouraging the underutilization of land and the sale of land that is underutilized to the government for the purpose of resettlement (Krugmann et al 2003 16).

Passage of the Commercial Land Reform Act proved to be controversial in some circles in Namibia. The act was tabled shortly before the general election of 1995 and was hurried through the parliament by a strong SWAPO majority (Adams 2000 8). In fact, the act had a smooth passage through the legislature as potential opposition from commercial farmers

was muted as few could find fault with the willing-buyer willing-seller provision (Suzman 2004 229). Members of Namibian civil society took issue with the timing of the tabling of the bill in the National Assembly due to the fact that it was done while many NGOs were still discussing the land question, they felt that they had not been properly consulted, and they had no time to work through the proposed legislation before it was passed. As a matter of procedure, the move by the government to rush the passage of the act was unsound. The timing led to a situation in which the act came into force without a national policy framework. The government did admit this was the case with the National Resettlement Policy, which preceded the Land Policy, the proper procedures were not followed resulting in a form of idle legislation contributing to the slow pace of reform at the beginning of the process (Karuuombe 2003 5). Targets for resettlement under the act were set by the country's first National Development Plan. It stipulated that 150,000 hectares should be acquired with the goal of resettling 14,000 people by the year 2000. It soon became clear that these targets would not be reached, and the figures were revised in 1998 when the government had succeeded in purchasing a total of 51 farms covering about a third of the target hectareage (Suzman 2004 222).

As early as 1995, Ministry of Lands officials and affiliated consultants, pushed for clarification of the status of the communal lands of the country (Botelle and Rhode 1995). It was hoped that this would be established through the passage of the Communal Land Reform Act of 2002. The act served to define the role of the Traditional Authorities in allocating customary rights on communal lands. It further included provisions related to the establishment of Communal Land Boards responsible for ensuring the application of the new act (Republic of Namibia 2002). However, its implementation remains incomplete, and it has done little to bridge the gap between the rights of land owners in the commercial areas of the country and those who hold customary rights in the communal areas.

The commencement of the Communal Land Reform Act has had a minimal effect on the elimination of the confusion surrounding the legal status of the land and attendant resource rights of the communal area residents and the people of the Ntʼa Jaqna Conservancy. The definition of the rights of people residing in communal lands is set out in the act. Section 17(1) of the act states:

Subject to the provisions of this Act, all communal land areas vest in the State in trust for the benefit of the traditional communities residing in those areas and for the purpose of promoting the economic and social development of the people of Namibia, in particular the landless and those with insufficient access to land who are not in formal employment or engaged in non-agricultural business activities. (Republic of Namibia 2002 17[1])

Section 17(2) of the aforementioned act states that “no right conferring freehold ownership is capable of being granted or acquired by any person in respect to any portion of communal land” (Republic of Namibia 2002 17[2]). Hence, it is clear that all communal land belongs to the state. The act also clearly states that communal lands are held in trust for the benefit of the “traditional communities” residing in these areas and that these lands may not be bought or sold as is possible in the commercial areas. The act incorporates the office of the Chief and the Communal Land Boards who work together to ensure communal land administration. The power to allocate customary rights under the act rests with the chief of the traditional community or the Traditional Authority (TA), but any such allocation must be ratified by the Communal Land Board concerned (Corbett and Jones 2000). The Communal Land Boards set up in each Region of the country by the act are seen as part of government efforts towards decentralization of the workings of the state. Prior to the act, all decisions in respect to land happened at the ministerial level in the national capital. The powers of the Traditional Authorities are limited to the allocation of customary rights to a maximum of 20 hectares of land. Persons wishing to obtain more land in a communal area must apply to the Minister of Lands and justify the allocation. Traditional Authorities are not allowed to receive more than the prescribed application fee from a prospective right holder. The application fees are to be placed in a fund to assist traditional authorities in operations of their offices. In practice, some Conservancy residents who have applied for a customary right paid more than the prescribed fee to members of the traditional authorities when applying for a right of residence in the Conservancy area (R25.23, 21.02.08, Rooi Dag, no translation; R25.47, 29.02.08, Omatako, translated by F.G.).

The state is obliged to look after the communal lands and to administer the lands in the best interests of “the people.” The state must also “act in a way that will benefit the communities living in a communal area” (Legal Assistance Centre of Namibia 2003 13). Put another way, it is the people who are living in a communal area that must get the benefits of that communal land and not non-resident citizens. The question of who belongs to a “traditional community” is not clearly answered by the act. According to the act, a traditional community is made up of members that share a common ancestry, language, culture, custom, and traditions. They recognize a common TA and inhabit a common communal area. Members of a traditional community residing outside the common communal area are still members of that traditional community (Legal Assistance Centre of Namibia 2003 xvi). This definition would leave out all non-San living in the Conservancy area and those San who do not speak a !Kung language, such as the resident Hai||om. It would appear then that the government is bound by the act to hold the communal land of the !Kung TA, which shares the geographical boundaries with those of the Nǀa Jaqna Conservancy, for the benefit of the San members of

the !Kung community. Therefore, it is the San who should be eligible for customary rights in the Conservancy area, including those for a farming unit or a right to a residential unit. Unfortunately for the San, this act has not been sufficiently understood or enforced as people from outside of the traditional community have flooded into the Conservancy area since independence and continue to reside in the area. It remains unclear how or through whom these relative new comers from other areas of the country have obtained rights to land and resources, or if they have any. Few if any newcomers claim to have a Permit to Occupy or a Leasehold, the two other forms of land right recognized by the act (Massyn 2007 385).

There are a number of areas in which the Communal Land Reform Act directly affects CBNRM and the operations of conservancies such as Ntja Jaqna. One area of concern for conservancies is the forms or types of land tenure provided for in the act. As stated above, the act provides for different types of customary rights, those to a farming unit and those to a residential unit that may be allocated by the TA. The act also makes provision for the allocation of a third category of customary right, that of any form of customary tenure recognized by the Minister of Lands. Proponents of CBNRM have been advocating for this flexible type of right to include communal forms of tenure for members of a Conservancy. There has been resistance to this concept by officials in government who fear that recognizing forms of communal tenure would result in the re-imposition of ethnically defined homelands (Corbett and Jones 2000 7).

One of the implications of the approach taken by the act is the transfer of ultimate authority over rights to the allocation of communal land from members of a TA to the Communal Land Boards. While primary power remains with the Traditional Authorities at the local level, these powers are now exercised subject to a veto right by the Land Board. Proponents of CBNRM have feared that this transfer of power may impede the progress of CBNRM, when for example a TA has agreed to the establishment of a Conservancy and a Conservancy MUP but the Communal Land Board does not support these arrangements (Corbett and Jones 2000 7). The experiences of Ntja Jaqna have illustrated that the act has indeed served to limit the powers of the TA and the Chief to allocate land. The act and the Land Board that it has created to serve the Conservancy area has been used successfully by the Conservancy Leadership in challenging attempts by outside interests and newcomers to the area to be granted customary farming rights and leaseholds in the Conservancy area. These applications for land rights had the support of the Chief but were rejected by the Land Board due to the fact that they defeated the purposes and contents of the Conservancy MUP framed by the membership of the Conservancy. While supporters of the CBNRM program worried about disputes between the Traditional Authorities and the Land Boards impeding the establishment of new conservancies, the leadership of the Ntja Jaqna has utilized

the new power structure to resolve land allocation disputes with the Chief and to assert the rights of the Conservancy membership to have improved input into the allocation of land in the Conservancy area making the Land Boards work for them in the process.

The act has implications for the development of tourism in Conservancy areas. The maximum lease period allowed by the act is 99 years. However, under section 34(2), any right of leasehold exceeding ten years must be approved by the Minister of Lands. This presents a potential impediment to joint venture agreements between conservancies and private sector entities in that internationally accepted best practice dictates ideal lease arrangements in the ecotourism sector are generally for periods of more than ten years. As prospective developers of ecotourism facilities in the communal areas submit lease applications for longer than ten years, it is unclear what criteria are used by the minister in considering these applications and the time needed to go through such processes is detrimental to both parties in a potential joint venture (Massyn 2007). There are also other areas in which the act serves to impede development of tourism in Conservancy areas. The act states that the grant of leasehold rights to land cannot interfere with or curtail the use of the commonage by the traditional community concerned. When a tourism investor is required to traverse an area of the commonage as part of a tourism product, this provision places potential restrictions on the quality of experience offered to tourist clients. The act also makes it difficult to sublease tourism sites held under lease by the Conservancy to tourism operators, as it occurred in two tourist sites in Nǃa Jaqna. The act states that any tourism business operating under a lease must be personally conducted by the holder of the right of leasehold unless the Land Board or the minister has approved the business to be run by another person (Massyn 2007 387). This provision makes it difficult to sublease tourism areas for which the Conservancy has a leasehold certificate, and has negatively impacted the ability of the Conservancy to market its tourism potential to prospective joint venture partners who have the capital, expertise and connections to markets that the Conservancy lacks.

There are several components to the Land Reform Program currently operating in the country. The program operates on the basis of the Commercial and Communal Land Reform Acts described above in addition to the National Land Policy adopted in 1997 (Corbett and Jones 2000) and the National Land use Planning Policy of 2001 (Republic of Namibia, Ministry of Lands, Resettlement and Rehabilitation 2001). The first of these components is the acquisition of farms for the purposes of re-settlement under the willing-buyer willing-seller principle. Here the government purchases land in the commercial areas of the country and redistributes it to beneficiaries of the program. Currently, the small-scale commercial farming scheme or the Farm Unit Resettlement Scheme (FURS) is the most prominent component of redistributive land reform. This model involves the acquisition and sub-dividing

of large-scale commercial farms. Individual portions of these farms are then allocated in portions or units to individual beneficiaries according to plans developed by bureaucrats in the Ministry of Lands. The Land Reform Advisory Commission has recommended that the units allocated should not be smaller than 1,000 hectares in the northern regions of the country where rainfall is highest, and no smaller than 3,000 hectares in the more arid south. In order to qualify for resettlement, beneficiaries may not have more than 150 large stock units or the equivalent in small stock. In 2004, the average size of the units allocated to FURS farmers were 2,138 hectares in the southern half of the country and 1,200 hectares in the northern regions (Werner and Odendaal 2010 36). Resettled beneficiaries are to receive support from the government in terms of livestock, other farming implements, and the provision of water (Hoes 2011 1).

The National Resettlement Policy also provides for two types of group resettlement. The group holdings model provides for a formal or informal group comprised of people who cannot form a cooperative but are interested in engaging in agricultural or other production as a group. The second model referred to as cooperative holdings allows for duly registered co-operatives and other legal entities, such as companies or closed corporations, to engage in production on resettlement land. The rationale for this cooperative model is to “facilitate the smooth functioning of the cooperative type of resettlement project and to monitor and control the use of financial input made by the government” (Werner and Odendaal 2010 35). These models have been criticized for having a weak collective property model. Communal income generation and farming practices were implemented under this scheme, and common fields were provided with the aim of generating income. It is apparent that these projects have a strong welfare component when one considers the groups targeted for this type of resettlement: ex-combatants, disabled liberation veterans, and some San (van Donge et al. 2005 15). This form of communal resettlement was a governmental priority in the years immediately following independence (ibid., 16).

Another element of the Land Reform Program has been the compulsory acquisition of farm land by the government for the purposes of resettlement. In 2002, the SWAPO party congress passed a resolution, which urged the government to expropriate 192 farms identified as owned by absentee landlords. Although it was within the legal and constitutional discretion of the government to do so, it was not until 2004 when the land issue re-emerged as an element of debate around the succession to then President Sam Nujoma that the government moved ahead with expropriation. In a televised announcement, the Namibian Prime Minister confirmed the new policy approach that would include the government expropriating land outside of the willing-seller willing-buyer model. Zimbabwean officials who were visiting the country at the time expressed their satisfaction with the move and

later sent experts to help the Namibian government evaluate the farms that they expropriated. In a speech delivered on May Day of 2004, President Nujoma stated that expropriation of farms would not only target under-utilized land but also serve as a punitive measure. He then warned “minority racist farmers that steps would be taken and we can drive them out of this land...as an answer to the insult to my government” (Melber 2005 135). Among the farms that were expropriated under this new policy were ones known for labor related conflicts and foreign-owned farms (ibid., 138). Events such as these have led a prominent Namibian scholar to suggest that “the first 15 years of Namibian independence were characterized more by an absence of any coherent and consistent strategy; instead, there was a dominance of politics with and about the land issue” (ibid., 137).

Land reform is also augmented by the Affirmative Action Loan Scheme, which is administered by the Agribank. The scheme was introduced in 1992 and sought to provide black farmers who engaged in agricultural activities on a full-time basis with subsidized loans to purchase farms on the open market. These loans range in amount from N\$400,000 to N\$500,000, repayable over 25 years with a three-year grace period. Supporters of the loan scheme argued that it contributed to efforts to rectify the skewed ownership of land along racial lines.

There is a state subsidy on the interest payments and the state also guarantees a portion of the loan. These same supporters also suggested that the loans encouraged African entrepreneurs to contribute to the national economy. Although the number of beneficiaries is not very large, some 1,200 in 2010 (Agribank of Namibia 2010), Namibia has committed to an affirmative action loan scheme; something that other countries in the region, such as Zimbabwe, have not (Hunter 2004 11).

While Namibia has firmly committed to a multi-faceted land reform program, several problems have emerged through government attempts to implement land reform in the country. Many observers hold that the farming units allocated under the reform process have been too small for recipients to make a living from farming. This is partly due to the country’s prevailing dry conditions, which leave most areas unsuitable for arable cropping and herding. The difficulties encountered in farming on relatively small farming units allocated by the government was acknowledged by the former Namibian Minister of Agriculture when he told a current affairs publication that “owning a farm can be a nightmare” (von Wietersheim 2008 37).

The pace of land reform has been slow. By November 2003, an estimated 6,600 families, or about 37,000 people, had been resettled. Less than 20 freehold farms had been purchased for the purposes of land reform during the first and second National Development Plans, spanning 1995 to 2005 (Hunter 2004 16). One of the most commonly cited reasons for the

slow pace of reform has been a lack of political will to effect large-scale reform on the part of the ruling elite. This lack of political will can be attributed to a number of factors.

One of these factors has to do with the demography of the country. Most of SWAPO's supporters have resided in the northern regions of the country. However, most of the extreme cases of poverty related to the disposition of land during the colonial periods are found in the south and central areas of the country. Thus, SWAPO has perceived less of a political need to execute land reform that would primarily benefit those residents outside of its traditional power base in the north (Pankursy 2000 245).

Another important factor, which has contributed to a lack of political will to execute greater land reform, is the lack of an effective political opposition in the country since independence. Chabal and Daloz (1999) examined the nature of the post-colonial order in Africa, and assert that the concentration of power at the top is "not friendly to the renewal or replacement of political elites" (32).

Having fought a long battle to gain power, SWAPO has been reluctant to open up the political process or to share its power with members of other political parties that see speeding up the land reform process as a priority (Lindeke 1999 240). Opposition parties have been unable to unify to challenge the dominance of SWAPO. Other reasons that may explain the lack of effectiveness of the opposition parties in Namibia include the role of SWAPO as the leading nationalist organization in the struggle for independence, SWAPO's access to and use of the resources of the state, SWAPO's strong and unwavering support among the majority Owambo ethnic group, and a lack of significant ideological differences among the parties (Bauer 2001 43).

Historically, since independence, enthusiasm on the part of those in power for land reform has increased primarily in the lead up to elections (Adams 2000). If past land-related legislation is examined, it becomes apparent that most major land legislation and policies related to land reform are linked to national elections in the country. For example, the Technical Committee on Commercial Farmland's findings were released just before the first local and regional elections in 1992; the Commercial (Agricultural) Land Reform Bill was tabled in the National Assembly just before the second national elections in 1994; the Communal Land Reform Bill was tabled in June 1999 a few months before the third national elections (Karuombe 2003 10). Government announcements of increased resettlement on communal area resettlement farms affecting the Nǀta Jaqna Conservancy were made in the lead up to the 2009 national elections. The land issue has become a political tool manipulated by those in power to take advantage of land hunger among large portions of the Namibian population. According to one political scientist:

It is evident that the land issue might be –as long as it remains unresolved for a large part of the population – a social factor to be easily activated by those competing for political power, material gains and seeking popular support (Melber 2005 141).

Despite questions about the extent of political will for land reform in the past, recently the government has taken steps to speed up the acquisition procedures for obtaining land for resettlement.

From April 2010 through April 2011, the pace of land reform improved significantly with the government managing to buy 38 farms for resettlement purposes. Despite these improvements in the number of farms purchased, there are still several targets yet to be met and members of the public and government consider the pace to be slow. There have been some years when no farms were purchased under a willing-buyer willing-seller basis. The Land Reform and Strategic Action Plan of the government sets the target for the purchase of commercial land at 270,000 hectares a year until 2020. While acknowledging the slow pace of reform, the government places at least some of the blame on the white commercial farmers, who are accused of not making their land available to the government at prices the government will accept.

Commenting on the slow pace of reform, a former Minister of Lands had this to say:

We need to focus our attention to try and engage our stakeholders, especially in areas where land has not been forthcoming to offer land for acquisition under the National Resettlement Program. (!Hoaës 2011 1)

Land prices in the country are said to have risen as a result of the stability that accompanied the transition to independence and majority rule (Adams 2000 2). The government has sought to place the blame for the slow pace of reform at the feet of commercial farmers who the government claims have asked unfair prices for the land. The Namibian Agricultural Union, representing many commercial farmers, has maintained that land prices continue to decline in real terms (Staff Reporter 2002 1). Melber (2005) takes issue with the contention of the government that the main impediment to a swifter land reform process has been the lack of willingness of commercial farmers to offer their farms to the government. He points out that between 1991 and 2001, the government showed interest in about one in three commercial farms placed on the market and only managed to purchase 13 percent of the farms on offer despite having the budget to purchase a much higher percentage (Melber 2005 139). Despite disagreements over the prices that should be paid to farmers targeted for resettlement, there is evidence that increasing numbers of farms will become available for purchase by the government due to the rising average age of white farmers that is reported to be at least 55. Few of these farmers are involved in pension schemes and will soon

be looking for a reasonable return on what for most is a life-long investment on a market in which the government has the right of first refusal (Adams 2000 11).

In an attempt to increase the number of farms purchased for resettlement, in 2010 the government announced that it was going to introduce a new model for farm acquisition. The procedure up until then was once a farmer set a price for his or her farm for the government and the government made a counter offer, the farm owner was not able to withdraw his or her initial offer and was forced to go to a Lands Tribunal to determine the price that the government could pay for the farm. The non-withdrawal clause was cited as one of the reasons that farm owners were afraid to offer their farms for sale to the government. The new model opens a path for flexibility and negotiations between the landowner and the government before the Ministry of Lands makes a final counter offer. All white commercial farmers must first offer their farms to the government, and can obtain a waiver if the government rejects the offer. This rule is still in force, but prices can now be discussed. Even if this scheme works to increase the willingness of farmers to offer their farms to the government for resettlement, there is still much work to be done by the government in order to meet the targets that they have set for themselves.

The costs associated with meeting the government's goals for resettlement are substantial. Hunter (2004) has pointed out that the costs associated with placing families on resettlement farms with even minimal numbers of livestock and reasonable standards of social and economic infrastructure are extensive, and that the economic returns for the country in doing so are negative. He attributes the inability of the government to find technical solutions to the problems of landlessness to the high costs of resettlement in a sparsely populated, semi-arid, pastoral environment. Large-scale land reform is limited not only by the initial costs of acquiring land but also by the fact that extensive services must be provided for those who are resettled. The importance of these services is underscored by the Zimbabwean experience (Bryant 1998 185). The government of Namibia faces a tension between the desirability of resettling large numbers of people and the need for the extension of costly support services and programs to those that they resettle.

The first audit of resettlement farms was conducted by the government in 2009, and the results revealed several problems with the current models employed on the farms (Weidlich 2009). One of these problems was a lack of clear criteria employed in the selection of beneficiaries of the program. In practice, most of the people found on the farms were not selected by any criteria at all, but rather, joined resettlement schemes after having been evicted from commercial farms. These people who have been evicted from commercial farms appear to be more adversely affected than other groups targeted by the land reform process. They have often been evicted from farms, which were purchased by the government and allo-

cated to beneficiaries from other target groups. When farm workers face such eviction, the government has solved one problem (e.g., finding land for resettlement) by creating another (e.g., increasing the number of unemployed farm workers). This problem reached a head in November 2003 when the union representing farm workers threatened to invade 15 white-owned farms in an effort to publicize the plight of farm workers marginalized by the land reform process. The government intervened and avoided the farm invasions, but the union stated that their plans are simply on-hold and that they can be reinstated if there continues to be a lack of progress to deal with the issue (Hunter 2004).

The selection of beneficiaries of resettlement has remained a serious point of contention in the debates surrounding the current land reform program. The national resettlement policy uses differentiated asset bases to categorize potential beneficiaries of the program. The first of these is people with no land, no livestock, and no employment. The second category comprises those with no land and no income but some livestock, and the last consists of people with income and livestock but no land. Specific target groups have also been identified as priorities for resettlement. The first of these groups includes members of the San community and also ex-soldiers, displaced persons, the destitute, landless Namibians and people with disabilities. People from overcrowded communal areas have also been identified as a priority target group. The policy also sets out other criteria, including: having a background and interest in agriculture or other related activities on resettlement farms, being prepared to hold the allocated land under leasehold, and non-adherence to the stipulations of the leasehold being potentially punished by eviction. These criteria are so broad that it has proved difficult for the government to apply them in a consistent and transparent manner. They are wide enough to allow regional resettlement committees considerable space to make recommendations in favor of people who are not clearly in need of land. These criteria have allowed for land to be allocated to people who might have been previously disadvantaged by the colonial systems but have achieved considerable wealth since independence. In addition, there is a disparity in the amount of land allocated to wealthy beneficiaries as opposed to the poor. The Ministry of Lands has acknowledged the skewed allocation of land in the favor of those who are better off and the fact that ministry officials may not have followed proper procedures in making some allocations to wealthy individuals (Werner and Odendaal 2010 14). There is not a clear consensus among those in government about the need to cap the amount of wealth that a beneficiary may have in order to be considered for resettlement. Many regional governors have asked the Minister of Lands to scrap the exclusion of applicants whose non-agricultural gross income is more than N\$200,000, arguing that this is discriminatory and that the resettlement policy should cater to all income categories (Sasman 2011b).

An application of John Rawl's theory of social justice to questions surrounding land reform suggests that it is in the interest of social justice to arrange the basic structure of land reform to benefit those most in need first (Blocker and Smith 1980 9). Rawl's principles of justice are rooted in the assertion that all goods should be distributed equally, except when an unequal distribution of these goods, such as land, would work to anyone's advantage, and that the justice of the basic structure is to be gauged by its ability to counteract inequalities caused by birth and historical circumstance. Rawl's theory of social justice calls on society to reduce certain inequalities by pooling resources for the benefit of everyone and members of disadvantaged groups in particular. This principle is based on the assertion that

Because inequalities of birth, historical circumstance and natural endowment are undeserved, society should reduce inequalities by selecting its most disadvantaged members and redressing their unequal situation. (Blocker and Smith 1980 137)

If one of the goals of the government's land reform program is the promotion of social justice then it would follow that those who are in greatest need of land, such as members of the San community, should be among the first to be resettled by the government. Namibian land reform has clearly failed to serve its potential role as a promoter of social justice as the poorest of the poor remain largely outside of the program, with few exceptions.

Another contentious issue with the selection criteria has to do with the level of farming expertise held by the beneficiary. Recently, the governor of one of Namibia's regions expressed his non-support for the National Land Reform Program: "We are wasting a lot of taxpayers' money, buying land from commercial farmers and giving it to communal farmers who, in most cases waste it" (!Hoaës 2011 1). In the same speech, the Governor stated "Beef production in Namibia is declining because our newly resettled black farmers are not productive. Most of the resettled lands are lying idle, and that effects our economy badly" (ibid.). The lack of the use of clear criteria in selecting beneficiaries is one factor cited in the failure of many of these resettlement farms to meet the basic needs of the residents or to make a positive economic contribution to the national economy (Hunter 2004 7).

Allegations of corruption in the resettlement program have been made by some participants and observers. Some prominent people, including parliamentarians who should not qualify for resettlement, have been resettled at the expense of the poor and landless (Karuombe 2003 12). Adams (2000) documents the numerous ways in which the new ruling elite have acquired land for themselves through the various elements of the land reform program. The Namibian media has consistently published stories of allegations of corruption and elite capture of land through the land reform process (Kaaheke 2007; Ngavirue 2007; Weidlich 2007). The Ministry of Lands has defended the granting of farms to govern-

ment employees in the local papers insisting that “it doesn’t matter” and that “all Namibians should be equal before the law” (Hamata 2002 1–2). Government officials who have been resettled under the program defend themselves and their farms through suggesting that they have as much right to benefit from redistribution as other Namibians (Hamata and Ampudhi 2002 1; Hamma and Sixtensson 2005 1–2). It has been suggested that although many members of SWAPO lived a less than luxurious life outside the country, their expectations of “the good life” after independence were high (Tapscott 1994 32).

The land rights of those resettled have remained tenuous under the program. Beneficiaries have no secure tenure rights to the land and without this they have difficulties in providing collateral in order to obtain credit and other resources needed for production. The insecurity felt by these prospective farmers can be compared with the relative tenure security of those black commercial farmers who have been granted credit to purchase freehold land under the Affirmative Action Loan Scheme (Hunter 2004 9). To date most of those who have been resettled remain unclear about their status on the farms as they have not received any certificates of ownership or leaseholds on the plots that they occupy. Constrained by the insecurity of tenure, as well as the general absence of income generating projects on the farms and a lack of access to off-farm employment, has resulted in some resettled beneficiaries informally leasing out their plots to others (Karuuombe 2003 12).

To date, the land reform program has not significantly reduced poverty in Namibia. A recent national survey has calculated that almost 28 percent of all Namibians are poor and that 14 percent of these poor are extremely poor. The majority of these households were found in rural areas as opposed to urban areas of the country. With almost 40 percent of rural households considered poor and 19 percent of these households severely poor (Werner and Odendaal 2010 10), there is a clear need for the government to do what it can to reduce poverty throughout the country and particularly in the rural areas in order to raise the standards of living of its citizens and to promote a healthy and stable future. Redistributive land reform is widely regarded as a prerequisite for development and poverty alleviation among Namibians. Access to land is seen as necessary in providing for sustainable means of livelihood and for enhancing the dignity, well-being and economic empowerment of Namibia’s poor (Werner 2001 7). Despite this apparent connection between land reform and poverty alleviation, a disjuncture has become apparent between stated political objectives of poverty reduction and the implementation of the land reform program. The need to assist the poor though increased access to land is articulated by the government in many official documents of the Ministry of Lands. However, the role of land reform in poverty reduction is poorly articulated in policy documents dealing more directly with poverty and its alleviation.

The state's principal statement on poverty reduction has been the Poverty Reduction Strategy for Namibia, which was approved by Cabinet in 1998. It does not give a strong role to redistributive land reform in poverty reduction. To the contrary, it observed that "the agricultural base is too weak to offer a sustainable basis for prosperity...in a quarter century from now the large majority of the country's inhabitants...are likely to have moved into urban centers" (Republic of Namibia, National Planning Commission 1998 3–5). The Poverty Reduction Strategy does see significant potential for the alleviation of poverty through the development of the livestock sector. Yet, it also sees limited potential for a similar role for cultivation. It argued that at best "land reform and an associated shift to intensive cultivation could yield a one-time gain for poverty reduction in those areas that are well watered" (ibid.). Despite the Poverty Reduction Strategy being quiet on the role of land reform in poverty reduction, Cabinet has continued to insist that land reform should contribute to the reduction of poverty. In April of 2006, Cabinet approved the Recommendations, Strategic Options and Action Plan submitted by the Permanent Technical team on Land Reform. Recommendations included that the action plans of national programs, such as Vision 2030, the National Poverty Reduction Program and National Development Plan 2 "should specify quantifiable indicators and targets relating to poverty reduction, employment creation and income distribution in the short term" (Werner and Odendaal 2010 27). It was also stated that government should improve the screening and selection of beneficiaries of land reform by "determining whether current criteria are socially, economically and politically appropriate" (ibid.).

The absence of a discussion of the role of land reform in poverty reduction in the National Development Plan 2 points to a fundamental shift in the thinking among technocrats on poverty reduction in recent years. There is evidence that a re-assessment of the role of land reform in poverty alleviation has been underway at the Ministry of Lands and Resettlement for a number of years. The first indications of this appeared in the Ministry's Annual report for 1998/1999, which referred to "a paradigm shift in its search for an integrated and suitable resettlement program" (Republic of Namibia, Ministry of Lands, Resettlement and Rehabilitation 1999 5). The report went on to suggest that this shift was in response to the dual problems of a lack of suitable land for resettlement and budgetary constraints for purchasing, demarcating and upgrading resettlement farms (ibid.). This shift in thinking resulted in a move away from the favor of beneficiaries with few assets and little experience (such as many San), towards those who may bring sufficient assets and experience to the productivity of resettlement farms. In terms of this new focus, "it was imperative to expand the list of priority groups to include people who can add value to the resettlement program by making a contribution to the maintenance of allotments and pay monthly lease amounts

to the government" (ibid.). In a workshop in 2001, Ministry of Lands officials expressed the concern that "in retrospect the focus on resettlement as the only strategy to assist the landless and poor people, particularly the San may have been unwise" (Werner and Odendaal 2010 13).

Political liberalization of the state has opened up political space blocked by decades of colonial rule and has unleashed a plethora of demands and expectations (Matlosa 1998 319), which the government has had trouble meeting in the face of financial constraints and internal and external pressures calling for more or less radical reform of land in the country. The government of Namibia finds itself in a difficult position, as did many other newly independent African states, in attempting to deal with pressures from within for land reform and external pressures to maintain stability and foster opportunities for foreign investment (Comaroff and Comaroff 2001 634). The retention of the status quo has resulted in a detraction of political support from SWAPO and the alienation of many Namibians from the reconciliation and state building projects of the government. The continuation of extreme inequalities and injustices of colonial times with only minor reforms has failed to meet popular expectations of the San and other Namibians forged during the decades-long struggle for independence and the years of less overt struggles of the San since independence. The failure of the resettlement program to provide a measure of social justice and to contribute to the alleviation of poverty for the San and other groups has put pressure on the government to look to the communal areas of the country as a source of cheap, easily obtained and well-watered land on which to carry out land reform. This shift of attention has had significant impacts on the national CBNRM program and the San of Nǀa Jaqna in particular.

Reform of the communal areas had come to the fore as something that the government needed to deal with in order to meet the objectives of the national program. There are several difficulties in the communal areas that have supported the historical focus of the land reform program in the commercial areas. Many members of civil society consider land reform in the communal areas, such as those that play host to the Nǀa Jaqna Conservancy, as the real challenge that the country faces in executing meaningful land reform to support poverty reduction and development. The developmental arena can be distinguished from the national political arena in that land reform of the commercial areas is the major issue in the political arena while reform of the communal areas is the priority of those in the developmental arena (van Donge et al. 2005). The following section will examine land reform in the communal areas of the country.

There are several features that distinguish reform in the communal areas of the country from that in the commercial areas of the country. As mentioned above, the state is the

owner of the land in the communal areas. Farming practices are more focused on subsistence farming in these areas although there are some small-scale commercial farmers in the communal areas of the country (Aldenwily 2008; Barnes, MacGregor, and Weaver 2001). Traditional leaders form an important interest group in the communal areas in relation to land reform. They are primarily responsible for the allocation of lands in these areas, subject to the approval of the Land Boards. The government has generally allowed them to uphold traditional systems of authority at the local level.

Traditional Authorities are now paid by the Ministry of Local Government for their role as both the eyes and ears of the government in the areas in which they hold sway, and as representatives and conduits for information for the traditional communities that they lead (Forrest 1993 97). The communal areas of the country also experience a number of environmental and demographic pressures that have been largely absent in the commercial areas of the country.

Overpopulation is a serious problem in many communal areas and especially those found in the northern regions of the country. The cultivated areas of the North contain almost half of the population of the country on a meager 3.2 percent of the land surface (Moorsom 1982 47). Overgrazing in the communal areas has been cited as a cause of serious environmental damage and lowered productivity (*ibid.*, 46). However, the assumption that a population increase induces environmental degradation through the overutilization of natural resources has been challenged by many who cite a lack of substantial evidence in certain local situations and assert that “in fact, increased population pressures does not always cause environmental degradation, nor does it necessarily lead to the breakdown of traditional agriculture” (Araki 2005 87). It has been commonly asserted that redistribution of privately owned land would have the double effect of easing population and environmental pressures in the communal areas while providing a form of social justice to communal area residents. This contention has come under question recently when the Minister of Lands told parliament that while those communal area residents who were selected as beneficiaries of the resettlement program would have to give up grazing rights in the communal area (i.e., no more than 20 hectares under a customary right), they would be able to maintain a right to reside in the communal areas. This means that if a selected beneficiary of the land reform program held a customary right to land prior to applying to the resettlement program, the allocation of additional lands in the commercial areas of the county would not necessarily free up land for others to use in the communal area that the beneficiary previously farmed in (Sasman 2011a 1–2).

With the slow pace of reform and failure of the resettlement program to meet the expectations and needs of the Namibian population the government has been forced to look to

the communal areas to find what they refer to as “underutilized land” in which to settle land reform beneficiaries, and to alleviate population pressures and associated environmental problems in the densely populated north-central regions of the country. The expansion of resettlement on small-scale commercial units into the communal areas of the country was first announced by the then Minister of Lands and Resettlement when he told reporters “in addition to the planned purchase of commercial land, five million hectares of communal land will be portioned off into small farming units which will cost another 53 million Namibian Dollars per annum to develop” (IRIN 2006 1). That same year, a Ministry of Lands report confirmed that the expansion of resettlement into the communal lands had taken hold when it stated that “developing communal land is a crucial component to land reform” (Weidlich 2007 1).

The idea to carve “underutilized areas” out of the existing communal areas for the purpose of allocation as small-scale farming units seems to operate against conventional logic. Both local customs and many studies of optimal range use in the semi-arid regions of southern Africa point to a single, low cost solution to the challenges associated with land use. This solution is to remove rather than erect fencing, and to extend communal grazing rather than privatizing or individualizing range land (Adams 2000 7). Other studies of the conditions and use of communal lands in Namibia have suggested that due to general lack of water resources and the presence of plants in many areas which are poisonous for livestock, the areas are best suited not to the forms of intensive livestock rearing and crop cultivation currently supported by the resettlement program, but rather the diversified livelihoods and resource-use patterns of current communal area residents and the forms of wildlife management practiced by conservancies such as Ntja Jaqna (Barnes 1995; Mulonga 2003). Despite these calls for the extension of communal areas and the retention of non-livestock forms of farming and food production in the communal areas, the Namibian government remains committed to the idea of transplanting the small-scale commercial farming units onto segments of the communal areas of the country in the hopes that this can help to alleviate pressure on the government to improve the efficiency and results emanating from the resettlement on commercial area allotments.

The San and Land Reform in Namibia

Rights over land and the resources on it such as those provided by the CBNRM program and the Conservancy structures are of primary importance to the San in considering their future. Having access to sufficient land as a productive asset enables long-term survival. Rights to land also allow for various options for development to be considered. On a politi-

cal level, having land to call one's own commands and fosters dignity, a sense of respect and a sense of place in the wider social economy that is not possible for the San without land. On a cultural level, the prevention of social disintegration is also largely dependent on securing and retaining access to land and resources. The current land reform program has a number of implications for the San of Namibia. This section will explore the experiences of the San of Nt̃a Jaqna with the national land reform program and the Communal Land Reform Act. Land reform has not only failed to provide a measure of social justice or furthered poverty reduction among the San of the Conservancy but its failure on a national scale has greatly impacted the ability of the San to further collective and individual goals via the Conservancy structures. As a result of the inability of the national program to meet the expectations for land held by many Namibians, the Conservancy has experienced an influx of non-San seeking land for settlement, grazing and crop production. Conservancy lands are now targeted by the government for the purposes of individual resettlement of beneficiaries of a program that many local San do not qualify for. As the San of the Conservancy attempt to safeguard land and resources for their own use and to foster development on their own terms, failures of past policies and new directions in land reform policy threaten the sustainability of the Conservancy.

Gaining land rights continues to be difficult for the San inside and outside of the Conservancy area. The Namibian government and the Communal Land Boards have remained unwilling to recognize and grant land rights to groups making claims to land on the basis of customary rights or traditional livelihoods. The African Commission reports that claims forwarded by at least four San communities to ancestral territories have been rejected by the national government (African Commission on Human and Peoples' Rights 2005 113). The experiences of Namibian San with the national resettlement program have not been positive.

Most San consider the land reform program unsuccessful. Those who have been involved in group resettlement projects point to the fact that these projects have been mismanaged (as seen in Chapter 2), and the San have encountered several problems with the application procedure, which have effectively meant that the San have not been able to fully participate in the land reform process nor benefit as some other citizens of the country have (see Bause 2008; Harring and Odendaal 2008; Suzman 2001). The application process for resettlement has bypassed many San groups due to the fact that San often live in isolated areas not well served by telephones or news media, and as a consequence are not made aware of resettlement projects planned in their areas until it is too late to apply. Illiteracy is a factor, which makes it exceedingly difficult for many San to submit a written application when they are aware of opportunities to apply for resettlement (African Commission

on Human and Peoples' Rights 2005 112). Therefore, gaining access to land through the Resettlement Program has not been an option for many San.

The aforementioned shift in policy by the Ministry of Lands concerning selection criteria for the Resettlement Program is set out in the Ministry's Draft Resettlement Manual of 2008. The criteria set out in the manual make it difficult for many San to qualify as beneficiaries of the program. The new criteria place paramount importance on applicants demonstrating their ability to farm. Thus, the beneficiaries under these new criteria are previously disadvantaged farmers rather than simply disadvantaged Namibians (Werner and Odendaal 2010 38). Although many San have some experience in working on commercial farms, the positions held were often simple labor and the San have little to show for their time on the farms that can be used as evidence of their ability to productively run a farm. Most San do not own the required number of large or small stock to qualify for a farm. The average number of livestock units owned by the San of the Conservancy is less than 0.5, far below the numbers required for resettlement (i.e., a minimum of 150 livestock units) (Nǀa Jaqna Conservancy and Welch 2008 7).

What has emerged is a discourse on land reform that makes a much more clear distinction between land redistribution for economic purposes and land-based welfare programs. Although San are on top of the list of target groups for the group settlement schemes that fall under the land-based welfare category, the government is no longer promoting these schemes due to the high costs involved and a desire to make land reform pay economic dividends for the country. Those San who would like to purchase a farm through the government's Affirmative Action Loan scheme have not been successful. A prominent San member of the Conservancy had the following to say about her dream to own her own farm in the commercial areas of the country:

When I was told about the Agribank I thought that it sounded sweet. I also tried to apply to the Agribank for a loan. I have ten cattle and they said that I do not qualify. We are trying to make a living like the rest. We know how people are making a living and so we try but they say that we are not good enough to farm like the rest. What can we do? (R25-16, 3.07.08, Mangetti Dune, translated by C.W.)

Under these conditions, the San of Nǀa Jaqna have turned to CBNRM and the Conservancy as an avenue to secure access and rights to land on which to build a future. However, the establishment of the Conservancy has not put an end to non-San claims to land rights or access to land use of their area, and challenges to the rights of the membership to use the land of the Conservancy as they have set out in their Conservancy plans.

The Communal Land Reform Act has done little to clarify land related issues since land rights of the residents of the Conservancy remain largely unresolved. The following quote

taken from an interview conducted by Ministry of Lands consultants in 1994 with the chief of the !Kung TA underscores the fact that until the gazetting of the Communal Land Reform Act in 2002, San leaders remained powerless to register or record communal land holdings. In the words of the honorable chief:

What can we do? If you own something you respect it. People don't respect me...the people from the West (Tsumkwe District West that now hosts the Conservancy), are from somewhere else and do not have a long history of land ownership based on long residence, as the law stands, we do not know who owns what and the powers of our leaders and representatives are unclear, confused. Land allocation has come down from Swanepoel (Ministry of Lands official), without consultation with the people. We wanted the N!ore system like our forefathers used before. (Quoted in Botelle and Rhode 1995 182)

Despite the fact that the Communal Land Reform Act has given the TA and the chief new powers to allocate and register traditional holdings, many San members of the Conservancy remain unsatisfied with the current situation in which they are unable to register their customary rights and such rights have been granted to non-San coming into the area from other parts of the country. Many Conservancy members draw a sharp contrast between the ways in which land was allocated to and by the San in the past, and the ways in which people are gaining access to land in the Conservancy in recent years. One San member of the Conservancy had this to say about the way that land was allocated in the past: "In the past this land allocation was not like it is today. In the past you could not see anyone from outside. It was only this !Kung and Ju'hoan people that were settled here" (R25-15, 20.02.08, Grasshoek, translation by F.G.). Another San member lamented the lack of control over settlement in the area:

C: How do you feel about the way that the land is allocated here, in the past and today?

R: In the past the way of land allocation, if you want to go and settle somewhere then I have to go to the headman of that village and ask permission then if he refuses or the community refuses then they would say OK, you cannot stay here, go somewhere else. Today we do not know what is happening people are coming in some ask the TA but others don't. We as the community do not know what is going on, we are not consulted and the person comes and settles here and it causes a lot of problems. What about our land rights? What rights do we have and who is going to protect them? (R25-17, 20.02.08. Grasshoek, translation by F.G.)

The allocation of land and land rights is perhaps the most important and controversial issue debated in the Conservancy. Since independence there has been a significant influx of members of Bantu-speaking groups into the Conservancy, particularly into the larger settle-

ments and former army camps. Most settlers moved into the Conservancy area as a result of drought and overpopulation in the other communal areas. They did so under the Namibian Constitution, which justifies free movement of people and the right for citizens to settle throughout the country. Prior to the establishment of the Conservancy it was relatively easy for settlers to establish a farm or a business in the area due to a sparse population, a lack of functioning leadership structures among the San, and confusion surrounding the land and resource rights of the San and other residents of the communal areas. This influx of non-San has been accompanied by a much smaller but significant movement of Ju'hoan from commercial farms in the Omaheke Region and the Grootfontein District into the Conservancy (Botelle and Rhode 1995 17). The land rights of these relative newcomers remains contested on the ground in the Conservancy and are a constant source of tension and conflict which has impeded the progress of Conservancy development.

According to the Land Reform Act, those who settle and require grazing in a communal area must apply for leasehold if they wish to engage in livestock farming for commercial purposes. Conservancy attempts to clarify the legality of the rights of several non-San settlers in the area who hold sizable herds of cattle and small stock in the Conservancy have not been successful (Nǃa Jaqna Conservancy 2004d). Amidst this state of confusion, it would appear that the allocation of certificates of customary holdings in Nǃa Jaqna necessitates a new process of registration.

Conservancy members inevitably had something to say to me about the process and confusion surrounding land allocation in the area. Most San adamantly stated that the current status quo is inexcusable but have several different ideas about what should be done to fix the problems. Some respondents simply stated that settlement of people from outside of the Conservancy should stop all together. Others placed the blame for the problems squarely at the feet of the chief and members of the TA, and suggested that if there was a change at the top of the TA then many of these problems would be solved simply by applying the law and involving the community and the Conservancy in land allocations. Others suggested that the TA was not doing its job in protecting San land and following the law, and that Conservancy should be able to veto land allocations in order to make sure that land allocations do not interfere with the development plans put in place by the Conservancy membership as a whole. It was suggested further that the community should always be consulted as well, or by extension have veto power, over land allocation decisions made by the TA. Many Conservancy members blame the TA and the chief for allowing settlers to come into the area (both legally and extra-legally), and others assert that the Conservancy should be involved in land allocation to ensure that allocations do not interfere with Conservancy development plans made by the membership. However, the chief consistently defended his land alloca-

tions, and asserted his right to allocate land by dismissing the input of community members and the Conservancy leadership. A Conservancy Committee member from one village that plays host to a rest camp for tourists, for which the Conservancy has obtained leasehold, had the following to say about interaction with the chief:

C: Have you ever talked to the chief about these allocations that you are not happy with?

R: Even what happened during the past we were discussing some issues like the people that have been settled around the Rest Camp and we were telling the Chief, Chief, the aim why we do not want people to be settled here is that this is a business place and we are mostly working with tourists and at any time anything can happen. Someone might go and steal something from the tourists and that will affect our business. Then the Chief was telling us that he is the only one that can make a decision and no one else will say anything and it is finished.

Chiefs have been vested with an important role in land allocation under the Communal Land Reform Act. The act also requires that the chief consult with his or her community in making an allocation, and he or she must also involve the Conservancy in the process to ensure that the allocation is in line with Conservancy plans (Republic of Namibia 2002).

The act also makes provision for the establishment of Land Boards, which have the function of reviewing allocations made by the Chief to ensure that proper procedures have been followed. Further, that these allocations are in line with the provisions of the act forbidding the Land Boards from approving an application for land that defeats the objectives of the Conservancy MUP. Many Conservancy members blamed the Chief for allocating land and allowing the land to be settled by non-San. The Land Boards are another set of institutions, which the San hoped would help them to ensure that illegal settlement would be ended in the Conservancy.

The extent of confusion surrounding land and resource rights in the Conservancy is underscored, for instance, by the admission of the representative of !Kung TA on the Otjozondjupa Communal Land Board during the 2008 Conservancy Annual General meeting that she did not know how many applications for communal land rights had been received by the Board in relation to lands in the Conservancy. She further divulged that, to her knowledge, the Land Board had not approved any allocations for land in the Conservancy area. If this was in fact the case, it meant that no one in Nǀa Jaqna has received official government acknowledgement of their customary rights to land and resources in the Conservancy area. A former secretary to the former Chief informed me that there are few records of land rights allocated by the Chief to Conservancy members, if they existed at all. Registration of customary land rights as called for by the Communal Land Reform Act re-

mains incomplete (Nǀa Jaqna Conservancy 2008a). As of September 2010, the Conservancy leadership had not been able to ascertain from the Land Board responsible the number and extent of land allocations that have been ratified by the Board in the area since the Conservancy was established.

The issue of Conservancy representation on the Land Board has been a hotly debated one in the Conservancy. Many members of the Conservancy felt that they have not been well served by the representative appointed by the Chief to represent the TA and its area on the Land Board. The Conservancy is supposed to also have a representative on the Board but there had been difficulties in getting all of the conservancies in the region to agree on the single representative that they are allotted. There were also problems with those who were representing the TA and the Conservancy in sharing information with the Conservancy and the membership on the ground. The Communal Land Board has been largely ineffective in clarifying and streamlining the allocation of rights to land in the communal areas of the country. One person involved in a training workshop for the Communal Land Boards told me that the Land Boards lack basic tools, such as GPS units and trucks, needed to carry out their duties. He also informed me that despite the importance attached to the Boards by the Communal Land Reform Act and the essential functions that they have been entrusted with, they have been unable to fulfill their role in land allocation. He also said that some boards had not met for periods of up to one year. The boards are under-funded, under-trained and lack a clear plan of action. Thus, they have been of limited actual use to the communities, such as those of Nǀa Jaqna, whom they are supposed to serve.

Dissatisfaction with the influx of settlers from outside of the area and land allocation disputes led some members of the Conservancy to question the legitimacy of the then Chief and some members of the Traditional Authority. WIMSA played a role in the recognition of the !Kung TA and John Arnold as Chief. Many members of the Conservancy felt that John Arnold was no longer a legitimate Chief of the !Kung due to the manner in which he was allocating land to non-San in the Conservancy area. There was a growing feeling amongst many San in the Conservancy area that the Chief was corrupt and that he no longer served the interests of the !Kung but rather those of other groups. The following quote typified the feelings of many of the San in Nǀa Jaqna:

C: Who is responsible for these problems with the allocation of land?

R: It is the Chief in Omatako. The Chief is giving land to other people. Like the land in Omatako today people do not know where to go to do their things because he already gave the land to the Herero and Owambo people and now it is a problem for his people because they do not know where to stay and tomorrow they don't know where they will have land.

R: We know that the TA some of them are allocating lands to people illegally without consulting the people and the communities... I will blame the Chief. Each and everything that they are doing or land allocations that are being done they are not calling the whole TA and the community and put it on the table so that everyone knows what is happening. We are left in the dark.

For instance what is happening here, the Chief is giving away the land to those that can pay for it. If this continues there will be nowhere for us to go. (R25-13, 20.02.08, Grasshoek, translation F.G.)

Dissatisfaction with the Chief led to an effort to organize what was locally referred to as a "Concern Committee." In May 2007, the founding members of this committee visited each community in the Conservancy, and two people from each settlement were elected to the committee. The idea was that these committee members were to collect letters in the form of a petition that would be submitted to the office of the Regional Councillor in order to initiate the process of calling an election for the position of Chief of the !Kung. When conducting fieldwork in 2009, people still spoke openly of their desire to participate in a new election of the Chief. Most of the people consulted about this issue expressed concern that the then current Chief was a SWAPO supporter and that he had powerful friends in government who would do everything they could to ensure that their political ally remained in power. !Kung Chief John Arnold died in a tragic road accident in July 2012. Subsequently, in a controversial move the government appointed John Arnold's daughter to the position of Chief of the !Kung Traditional Authority. This loss was compounded by the death of K. Moses =Oma who was a San leader involved with WIMSA and the Conservancies in Tsumkwe Districts West and East. He was a former Regional Councillor and served as a member of Namibian Parliament at the time of his passing.

The influx of settlers described above has caused many other problems for the San of the Conservancy. Land enclosure or fencing of communal land is a growing problem in all communal areas of the country with fields being fenced to protect crops from livestock, or to serve as exclusive grazing areas with or without the permission of traditional authorities (Corbett and Jones 2000). This problem has clear implications for the philosophy underpinning CBNRM and San who have been excluded from extracting veld food in such areas. While such fencing is illegal under the Communal Land Reform Act, it continues unabated in the Conservancy. An investigative team sent from the LAC at the request of the Ministry of Lands was told by the Chief in 2008 that there is no illegal fencing in the Conservancy and that it is not a problem. At the same time, a prominent member of the Herero farming community resident in the Conservancy allegedly accused members of the team of targeting Herero for illegal fencing. Conservancy leaders insisted that there are several areas that have been fenced off by non-San settlers in the area for a variety of purposes.

The increase in the number of cattle brought into the area by settlers has caused a number of problems for the San. Those San who have engaged in cropping of maize or pearl millet have reported heated exchanges with cattle keepers over damage done to their fields by cattle. They also reported that the Chief was not able or willing to impose fines on the cattle owners for losses in the agricultural fields. During a training session, one Senior Councilor in the !Kung TA reported that when the TA has attempted to fine cattle keepers for the destruction of crops, cattle keepers had stated that they were not San and would not submit to the authority of the !Kung TA, and that they had lawyers who would take the TA to court if fined. A San who farms maize in a community field had this to say about the cattle as a destructive force:

R: Our crop fields are open, they are not fenced around. This is one of the problems. If more people are coming in then that is how we are being poor and more poor. There is nothing that we can do for ourselves. Like our crop fields, they are being destroyed so then we are just going behind and behind. (R25-28, 25.02.08, Kano Vlei, translation F.G.)

It would appear that individual San nor the TA have been able to deal effectively with the issue of cattle destroying resources in the Conservancy area.

Another problem that was on the rise related to the increasing numbers of cattle in the Conservancy is an increase in the number of cattle theft allegations leveled against San by non-San residents. As allegations against cattle farmers related to the destruction of San crops were on the rise so were allocations against the San of stock theft. These allegations carry stiff prison sentences if they are proven in court, and further fueled mistrust and contempt between some San and non-San resident in the Conservancy. Many San including the former Chairperson of the Conservancy have faced allegations of stock theft that did not hold up in court. Those who have been accused of cattle theft have often expressed the feeling that these allocations are motivated by politics or tribalism. One San member of the Conservancy shared his understanding of the possibility of cattle theft allegations being leveled against San:

R: If they came in, are settled here in this village, they will not just come with their hands. They must bring along livestock and as we know the crop fields are open and the cattle will cause problems just by being here they are a threat to us. If one of these settlers takes me as a caretaker of their cattle and I am working for them, the moment that someone loses some livestock, it might just be in the bush but those settlers they will run to the NAMPOL (the national police), and say, it is this San guy who is stealing my livestock. There are those kinds of stories already. It is about fear, not someone stealing the beasts. (R25-63, 06.03.08, Kukurushe, translation F.G.)

The greater numbers of cattle introduced to the Conservancy in recent years has led to at least a local perception of overgrazing, which has had a negative effect on the 86 percent of San Conservancy members who rely on bush food for at least a portion of their diet (Nǀa Jaqna Conservancy and Welch 2008 9). Many respondents complained that the cattle trampled the surface of the ground making it difficult to identify those roots which hold nutritional value. Other members complained that they no longer dared to collect veld food in an area where farmers were grazing their cattle for fear of being accused of cattle theft. The following is a typical statement made by the San in relation to the impact that cattle have had on the availability of bush food:

There is nowhere to collect veld food anymore. Everything around the village is trampled by the cattle. If you are leaving the village to collect food further away and the farmers see you there among the cattle then they accuse you of trying to steal the cattle and maybe they beat you. (R25.87, 22.01.08, Assvoleness, translation F.G.)

Conclusion

The land issue in Namibia is complex and has given rise to a number of important challenges for the government. Land is a central issue for the San and the membership of the Nǀa Jaqna Conservancy as a whole. This chapter has explored how national debates surrounding land reform have played out in the country. It has highlighted the numerous impacts the land reform process has had on the San of the country and those in Nǀa Jaqna in particular. The inability of the reform program to meet the needs and expectations of the population as a whole has contributed to the influx of new settlers who have come into the Conservancy in search of land in recent years. This influx has brought a host of problems to the Conservancy, which the membership and leadership struggle to contain on a daily basis. The national land reform program has failed to secure San access to land in the Conservancy. The localized and regional institutions of the !Kung TA and the Outuzondjupa Communal Land Board entrusted with the allocation of land in the communal areas have failed to serve the San. It is in this context that the Conservancy has emerged as a localized structure, which the San have created and supported. The San of Nǀa Jaqna have now turned to the Conservancy to safeguard their rights to land and resources outside of and sometimes against the national land reform processes.

7 San Lands Contested

San claims to land and resources under the Conservancy framework are now contested. The Conservancy has provided the San membership with new possibilities for safeguarding access to land and resources and a new avenue for the pursuit of development on their own terms. The land base of Nǀa Jaqna has come under great pressure as claims to land and resources in the Conservancy are forwarded by a variety of state and non-state actors and institutions. The sustainability and the continued existence of the Nǀa Jaqna Conservancy have come into question as the state, a privately held company and an international faith-based organization have attempted to take control of large tracts of land in Nǀa Jaqna with a variety of aims. While each of these sets of claims and counter claims has played out differently, there are a number of similarities. The first similarity is that the Conservancy land are made in the service of what their proponents frame as “development.” The second similarity is that all three sets of claims originate or emanate from outside of the Conservancy. While these three “developments” receive various levels of support among the San membership of the Conservancy, all three have been met with resistance by the Conservancy as an institution and by San-speaking members of the Conservancy.

This chapter will begin with an examination of the various efforts to control the terms of development in Nǀa Jaqna and how claims to representation of the Conservancy membership have unfolded in relation to a government sponsored farming scheme. These “farming units” are important in that they represent efforts by the Namibian state to extract communal lands from the Conservancy to become privatized under the National Land Reform Programme. In this chapter, I will examine the impacts that the implementation of the farming scheme could have on the people, environment and governance of Nǀa Jaqna. In doing so, I seek to challenge some of the assumptions on which the farming scheme is based.

In this chapter, I take the post-structure critiques of development as a point of departure, while examining the diverse and multi-directional flows of discourse about development of Conservancy lands. Agency of San actors will be highlighted. Unlike previous critiques of development that, as Friedman (2006) suggests, have tended to locate agency in discourse alone and to assume “that these ‘real people’ are merely passive and impotent objects of development” (600), here, I will engage with claims to land and development at the level of practice, as lived experience of the San and the leadership of the Nǀa Jaqna Conservancy.

Three additional claims to land and resources in the Conservancy made by several distinct groups, as well as Conservancy reactions to these claims will be explored. The extent to which these additional claims have impacted attitudes toward the government farming

scheme will be delineated. Many of the most daunting challenges facing the San in Namibia become apparent in the discourses and actions of the San in relation to the farming scheme and other claims to Conservancy land. These challenges highlight competition over their access to land and resources, struggles over the definition of development, threats to livelihoods and health, leadership debates, and social, economic, environmental, and cultural change. At the same time, the farming scheme issue has served to highlight the opportunities and tools that Conservancy structures provide the San in meeting these challenges and realizing their collective visions for development.

Consultations and the Terms of Development in Nǃa Jaqna

Between 2004 and 2009, the leadership and membership of the Conservancy learned of a government plan to implement what was termed a small-scale farming scheme in the northern part of the Conservancy as part of the National Land Reform Programme. The following section will explore how the Conservancy membership came to understand and resist this claim to its land and resources. Various attempts to define the terms of development and claims to represent the interests of the San and the state will be examined.

In early 2004, while the Conservancy was busy finalizing its own resource and zonation plan, a meeting was held in which the Conservancy and the !Kung TA were informed of a government plan to introduce small-scale commercial farming units into the Conservancy area. At the time, it was understood that the government intended to develop a small number of farming units for local people. The newly constituted Conservancy Committee and the Conservancy Development Team (myself included) were guardedly optimistic about the potential of these farms to contribute to local development and the Conservancy itself. Only a few months later it became apparent that this may not be the case. From the earliest days, the government set the tone for what was to become a contested process.

Towards the end of 2004, Ministry of Lands officials asserted governmental control over the terms of development in the area and engaged in intimidation of Conservancy leaders and staff in the process. At a meeting in the Conservancy, a director of the Ministry of Lands made several statements in an aggressive tone which, for many Conservancy leaders, marked the beginning of a struggle that would continue in the years that followed. After being informed of the contents of the Resource Zonation Plan framed by the Conservancy membership and required by the Ministry of Environment and Tourism, a Ministry of Lands official stated:

The Ministry of Lands has all of the power over land and it is only the Ministry of Lands and the TA who can allocate land...if the Conservancy continues on the current

path, the Ministry of Lands will dismantle the entire Conservancy and WIMSA (the largest donor to the Conservancy at that time), in particular, will lose a lot of money. (Nꞑa Jaqna Conservancy 2004e 2)

These words were understood by the Conservancy staff, myself included, as a direct threat to the Conservancy's existence. These words were recalled years later by Conservancy staff and helped to set a confrontational tone for the contestations over the terms of development in the Conservancy area that were to follow. After the Director from the Ministry of Lands threatened to dismantle the Conservancy, he followed by levelling allegations against myself as the head of the Conservancy Development Team and a Senior Councillor of the !Kung TA related to interference in the allocation of lands and government affairs. At a later meeting in the regional capital of Otjiwarongo, several vague allegations against me and Conservancy staff were addressed. In the end, all of these allegations proved to be unfounded after being given several stern warnings not to interfere in government plans for the land of the Conservancy, which included treats of deportation (Nꞑa Jaqna Conservancy 2004f). All of the Conservancy leaders and staff involved in this meeting identified the willingness of the government to engage in intimidation. This initial attempt at intimidation was not the only instance of such tactics being deployed by the government as they attempted to assert control over the development process.

Similar threats of deportation were also levelled against a German forester who worked with the National Community Forestry Programme when he expressed concern over the government farming scheme, particular in referring to it as "dangerous" in an e-mail to an official in the Ministry of Environment. This e-mail was said to have been "intercepted" by the government security officials and passed on the Ministry of Lands (Nꞑa Jaqna Conservancy 2007d 2). This threat of deportation was made in a public meeting held in the Conservancy between the Conservancy leadership, the !Kung TA and the Ministries of Lands, and Environment and Tourism, and gave rise to a feeling among the Conservancy leadership that they were being monitored by the state security apparatus. Foreign nationals working with Conservancy donors and partner organizations were not the only targets of direct threats as senior Conservancy leaders also received threats of "trouble" if they did not go along with government plans for the Conservancy area (Personal communication R25-19, 01.02.08). Intimidation of Conservancy staff and those working for organizations supporting Conservancy development was one tactic deployed by the government in an effort to assert control over the development process. Governmental efforts to control the terms of development also included the control of information related to the contents of the government plan.

Between 2004 and 2009, more than 20 meetings were held in the Conservancy area, the regional capital of Otjiwarongo, and the national capital of Windhoek. Despite all of these meetings between high-ranking government officials, including the President and governmental ministers, and repeated requests, written documentation of the content of the government's proposed scheme and documentation of the research and decisions on which the plans were based never transferred into the possession of the Conservancy. The government maintained that the decision to implement the farming scheme in the Conservancy was based on an integrated land use plan for the area conducted by an independent consulting firm. Since 2004, the Conservancy made several attempts to obtain a copy of this land use plan and consultancy report. However, the government refused to allow the Conservancy to see a copy of the report to challenge its contents as the basis for the decision of the Namibian Cabinet to introduce small-scale farms in the area. Government officials with the Ministry of Lands simply stated that the report was "difficult to find" and repeatedly made empty promises to pass a copy along at the next meeting between the Ministry and the Conservancy (personal communication R25-19, 01.02.08). The consultancy report and the government's integrated land use plan for the Conservancy area were not the only set of important documents that the government sought to keep out of the hands of the Conservancy leadership.

The government also controlled the official record of meetings between the Conservancy and government officials. In 2008, the government informed the Conservancy in a letter that

the inter-ministerial committee, as agreed in the abovementioned meeting (meeting between Conservancy leaders, !Kung TA, the Minister of Lands and the Minister of Environment 11.08.2007)...will visit the Tsumkwe area to delineate the proposed area for the co-existence of both conservancy and small-scale farms. (Republic of Namibia Ministry of Lands and Resettlement 2008 1)

The Conservancy leadership refuted the statement that any such agreement to move ahead with the implementation of the farms had been reached in any meeting. When a Conservancy leader contacted the Ministry of Lands by phone, he stated that the Conservancy had no record of such a decision being made at the meeting and asked for a copy of the Ministry of Lands official minutes. His requests were dismissed. The Conservancy felt that they should have a chance to review any record of decisions that they supposedly made and that the government's unwillingness to open the official record to scrutiny "leaves them (the government) to put what they want in the record" (R25-19, 01.02.08, Mangetti Dune, no translation). The lack of written information passed from the government to the Conservancy was eventually questioned by the !Kung Chief who was at one time a strong supporter of the

government's plan. He stated in a meeting on the issue that "it is true that the government did something that is not understandable, that the government has put nothing in writing" (Nṭa Jaqna Conservancy 2008a 16).

The government's control over and unwillingness to share documents related to the farming scheme and the consultations around this scheme served to heighten suspicion of the government's intents among the San population of the Conservancy. One San leader expressed this suspicion and his frustration with the lack of information being provided to the Conservancy in the following way:

Why are they talking, only talking? Where are the documents? When the Conservancy wants to do something they talk to the people but they also show documents and a plan that we can consider and give some feedback before approving. It seems that they (the government), already have approval... These big guys expect us to just agree in the dark. (Nṭa Jaqna Conservancy 2007a 4)

This comment, and others like it, are indicative of a strong commitment to the processes of consultation and negotiation on the part of San Conservancy members. It is also indicative of desires among the San-speaking Conservancy residents to extend the principles of consultation and informed consent operationalized in the Conservancy institutions to relations between the people of the Conservancy and various levels of national government. Local endorsement of CBNRM through Conservancy structures is as much an acceptance of new rights and responsibilities related to resource management as it is an endorsement of new forms of communication, decision-making and the exercise of power vis-à-vis development.

Without access to written documents related to the government's plan for the farming scheme, the Conservancy leadership and membership were left to piece together what the government intended to do in the Conservancy area from vague, incomplete and contradictory statements made by government officials over a period of more than five years. Since 2004, the Conservancy leadership and the majority of the membership opposed the farms on the basis of concerns over the social and environmental impacts of the proposed farms, a lack of transparency and meaningful consultation and concerns about how the project would be implemented. Questions related to what exactly the farming scheme entailed, who would benefit and how the farms would be allocated were repeatedly asked by the Conservancy leadership and membership in meetings with high-ranking government officials and submitted to the government in writing (Nṭa Jaqna Conservancy 2006b 3).

Conservancy leaders were told of a plan to implement individually-held, fenced farming units somewhere in the northern half of the Conservancy. Many Conservancy members wondered what portion of Conservancy lands would be covered by the farming scheme.

In 2006, these units were said to be planned in an area ten kilometres north of the villages in the Conservancy that lay north of the C44 road, which transects the Conservancy from west to east, and that the lands covered by the farms would remain part of the Conservancy (Nǀa Jaqna Conservancy 2006c 1). Later that same year, the Conservancy was told by the same official that the Conservancy would “give up” approximately one third of its land in the north of the Conservancy, the majority of which was zoned as a core wildlife area and thus not open for farming or settlement according to the zonation and management and utilization plans farmed by the Conservancy and its members (Nǀa Jaqna Conservancy 2006f 5). Here it seemed that the lands converted to farming units would no longer be part of the Conservancy.

However, later, the Minister of Lands contradicted the earlier statement when he stated that “not all parts will be developed and only those who are interested to farm commercially will have farms, those for communal farming and conservancies will continue in the same way” (Nǀa Jaqna Conservancy 2006g 1). The ability of those not interested in commercial farming on a plot assigned to them as part of the government scheme to “continue in the same way” was then contradicted by the same minister when he stated in the same meeting that he had talked to the Ministry of Environment and Tourism to “decommission the areas earmarked for small-scale farms. They have agreed to start with the area north of the C44 road” (ibid., 3). Here it seemed that the farming scheme would eventually target the entire Conservancy area and that the Conservancy could be degazetted in the process. Yet a year later, the task team dispatched by the Namibian Cabinet told the Conservancy that the areas south of the C44 road would continue as a Conservancy (Nǀa Jaqna Conservancy 2007b). The statements are an example of the vague and contradictory nature of the information on the project that the government provided to the Conservancy. At some points it seemed that the Conservancy was not in danger of being degazetted as a result of the implementation of the government scheme, and at others it appeared that it had already been decided that this would happen to make way for the farms.

The government was also unclear about who would benefit from the farming scheme. At some points, the government stated that the farms would only benefit “local people” (Nǀa Jaqna Conservancy 2006g 1). At other points, the Conservancy was told that “the farms will only benefit the inhabitants of Tsumkwe West. The San people will benefit” (Nǀa Jaqna Conservancy 2006f 6). Later the government stated that application for a farming unit under the scheme would be open to all Namibians. The Minister of Lands contradicted earlier assertions that locals would benefit from the scheme when he stated that “everyone who wants to be resettled here will apply... everybody in the country will apply” and that “if people apply and other (non-local) people are settled, we should blame the Communal Land

Board...The government is resettling people all over the country for people to be involved in commercial farming. The people from Tsumkwe West should apply" (Nṭa Jaqna Conservancy 2007d 3). Here it seemed that the primary purpose of the government plan was to "resettle" applicants to the National land Reform Programme from outside the communal area. The Conservancy membership never received a firm commitment from the Minister of Lands that they would benefit from the scheme. Many Conservancy members felt that the government scheme would result in a loss of land and exacerbate competition for natural resources between land users.

Conservancy leaders and members consistently sought clarification on how the farming units would be allocated if they were implemented in the Conservancy. They were given several versions of the allocation process. The !Kung Chief suggested that local people would be allocated farms when they "apply to the TA by paying N\$70 for the forms and then they will eventually get certificates of ownership of the farms" (Nṭa Jaqna Conservancy 2006d 6). The Minister of Lands offered several versions of the application procedure. First he stated that those wishing to apply for a farm would do so through the !Kung TA and the Regional Communal Land Board. If the Chief approved an application, he would then refer the application to the Land Board, and if the Minister of Lands agreed, a certificate of ownership for a farm would be issued. The minister then stated that "it is up to the TA to decide and then the government will endorse what the TA agrees" (Nṭa Jaqna Conservancy 2006g 3). These statements by the Minister of Lands are contradictory. In his first explanation, an application would be vetted by the TA, and then the Land Board, before the application is handed on to the Minister of Lands for the final decision. In the second explanation, it would be the !Kung TA who makes the decision that is then endorsed by the government. Later the same minister explained that individuals would apply to the Communal Land Board for a farming unit and that the Board, which included a representative of the !Kung TA and a single representative of all of the Conservancies in the Region, would make the final allocation decision (Nṭa Jaqna Conservancy 2007d 3). At a later meeting, the Minister of Lands recommended that an association be formed as part of the farming unit scheme. The function of this proposed association would be to raise issues with the government and vet application for farm units before they were submitted to the Land Board. The association was to be made up of representatives of the Conservancy, !Kung TA, churches, teachers, nurses, and members of the farming community. The minister stated that "the Ministry would not be involved in the association so that you can run them the way that run the Conservancies" (ibid.). This caused even greater confusion as yet another process for farm allocation had been brought to the table. The minister's statement suggested that allocation decisions would be made in part by teachers and nurses, the majority of whom are not San and maintain connections

to other parts of the country. These statements further convinced Conservancy leaders that the San would not benefit from the scheme. The Conservancy leadership was not eager to allow the process to go ahead and then just blame those who were supposed to represent their collective interests. Relying on these members of the Land Board to fairly allocate land under the scheme was not something the Conservancy leadership was willing to accept.

Confusion about how the Land Board would decide who would benefit provided the basis for one in a constellation of concerns that San members of the Conservancy had about the scheme. The experiences of the people of Nṭa Jaqna illustrate the Land Board does not function as the government or donors would like. The opposition of most San Conservancy members to the farming scheme was based largely on a lack of trust in, and a perception of illegitimacy of, both the Otijondjupa Communal Land Board and the leadership of the !Kung TA. These institutions would play important roles in determining who would benefit from the government's plan. In the eyes of many Conservancy members, these two institutions had failed the membership. For many, the Conservancy was seen as the most legitimate local institution to act as a conduit for development in the area. These local attitudes have led to increased expectations that the Conservancy should fill institutional gaps by safeguarding the interests of San land users, which is one of the functions of the Land Board, and representing the interests of the !Kung to the national government, which is one of the functions bestowed on the !Kung TA and its leadership. Contrary to the assumption of many supporting the implementation of the farms in Nṭa Jaqna, local or otherwise, the Conservancy had not campaigned against the implementation of the scheme. Rather, the past performance of the Communal Land Board and its representatives, the inability of the !Kung TA to regulate land and water use in the Conservancy, had resulted in negative local attitudes towards these institutions that led residents to support the Conservancy in challenging the farms and in safeguarding locally-derived benefits related to the continuing growth of CBNRM in the area.

There were also concerns that the San would not be able to apply for a farming unit due to a lack of money to pay the application fees or a lack of government-issued identification. In relation to these concerns, the Minister of Lands stated that "San people would be treated as special in accordance to a Cabinet Committee decision chaired by the President" (Nṭa Jaqna Conservancy 2007d 5). He did little to outline the contents of this decision but mentioned that a special fund would be administered by the San Development Programme to cater to the farm project. It was never made clear how much money would be made available to the San, or who would qualify as San in order to gain assistance from the fund. Many San leaders felt that the government might be setting the San up for failure by elevating many of the barriers that could bar San from applying for a farm under the scheme. Many stated that

the government may want to see all of the farming units go to the San so that they could tell their international donors that the San had benefited from the resettlement scheme. Several Conservancy leaders stated that the government would be happy to take credit for resettling the San, and would also be pleased when the farming units passed into non-San control through various transactions. These types of insights demonstrate that Conservancy leaders seriously considered the implications of the farming scheme on the Conservancy as an institution, on its members, and on the environment not only in the immediate but also in the medium and long-terms. These views are illustrative of the mistrust that existed between San leaders and the national government that was heightened by the processes leading up to the implementation of the farming scheme. The granting of Conservancy status by the government to the people of Nṭa Jaqna built some trust in the government on the part of local resource users, which I witnessed during the lead up, and the period immediately following the inauguration of the Conservancy. Less than three years later, the farming scheme had begun to set the Conservancy leadership and many members in opposition to the government over the terms of development and the physical, political, social, economic and environmental manifestations on the ground in the Conservancy.

Amidst the confusion generated by many meetings and unanswered questions, the Conservancy leaders and membership began to feel that all of the meetings with the government surrounding the farming scheme were less about constructive and meaningful consultation with the Conservancy membership, and more about asserting the government's willingness to dictate the terms of development to the San. This feeling of being unable to contribute to the Conservancy's path of development served to galvanize the San population in support of the Conservancy and opposition to the government scheme. Many Conservancy leaders lamented their lack of input into the scheme and pointed out that they had not given their informed consent to the project and considered this lack of consent to be in violation of their indigenous rights (Nṭa Jaqna Conservancy 2008c 6).

The Conservancy was told that the farming scheme would not be implemented if the people of the Conservancy did not want the farms in their area. The Ministry of Lands sought to stress this fact in meetings with the Conservancy and the national media (Weidlich n.d.). This gave rise to multiple claims to representation of the people of Nṭa Jaqna. During consultations with the government related to the small-scale farms the !Kung TA, the local Farmers' Association, the Conservancy and the government all claimed the ability to represent the people of Nṭa Jaqna their views of the farming proposal.

As consultations were taking place, the !Kung Chief repeatedly asserted that he represented the interests of the residents of the Conservancy. He asserted this authority through statements such as the following:

The TA has not given permission to the Ministry of Lands to go ahead with the proposal of small-scale farms. It is up to the community whether they want or they don't want. I assure you that the TA has not yet given the Ministry of Lands the go-ahead to implement the farms and I will tell them when they can. (Ntja Jaqna Conservancy 2006d 6)

Amidst these claims to represent the people of the Conservancy, the Chief was placed in a difficult position. He found himself between a majority who did not support the farming units, local farmers pressuring him to accept the proposal, and the Ministry of Lands who expected him to deliver local support for the government scheme. There were also open challenges to his position as Chief. He had done little to generate support for the project and in the process had weakened his position as Chief in the eyes of many. He had also failed to clearly articulate or accommodate various views on development held by different groups of his subjects. Furthermore, he consistently failed to appear accountable to those who he was in office to serve.

The local Farmers' Association supported the implementation of the farms in the Conservancy and made formal attempts to represent the views of the Conservancy residents as being congruent with those of the Association. During the first Conservancy AGM, many Conservancy leaders took issue with a letter written and signed by the Chairperson of the Farmers' Association, which had been sent to the Ministry of Lands. The letter claimed that the Farmers' Association was formed "by the whole community" and "blessed by the whole community of Tsumkwe District West." The contents of the letter under the heading "Problems" warrant reproduction:

Tsumkwe constituency is 26 010 km square ...with zero production compared to other areas of the republic. Our community tends to be lazy to become livestock and crops producing farmers. The community depends 100 percent on government hand-outs. While our area has grazing potential to carry livestock, many prefer to listen to foreigners preaching wildlife conservation as the only means of survival...We are all interested in the newly established conservancy as long as it does not become an escaping goat for the lazy ones to not become crops cultivators and livestock farmers. (Newe Farmers' Association 2005 1)

According to the Farmers' Association, they represented the real interests of the community vis-à-vis farm development in the Conservancy. They positioned themselves in opposition to "foreigners" who supported conservation at the expense of preferable development options.

The Conservancy response to this letter is indicative of their counter claims to represent the developmental interests of the residents of the Conservancy. In a letter sent to the Ministry of Lands, the Conservancy refuted the claims made by the Farmers' Association and asserted the right of the Conservancy to have a say in developments in Ntja Jaqna. The letter read in part:

...The FA [Farmers' Association] only represents a small number of livestock farmers in one small corner of the Conservancy and does not represent the whole community of our area or the Conservancy membership. We wish to make clear that the people of Ntja Jaqna do not want the government to demarcate plots in the Conservancy as suggested in the letter from the FA. We wish to make clear to the government that we are not lazy as the letter suggests. We are pro-development. We wish to engage in efforts to realize our goals through the Conservancy structure and the various activities that we engage in on a day-to-day basis that for many of us include subsistence farming. We take issue that it is foreigners who are telling us that conservation is the only means of survival. We object to this statement that implies that we are not making informed responsible decisions under the rights granted to us by the Conservancy legislation... (Ntja Jaqna Conservancy 2005e 1)

This incident helped to form mistrust between the Conservancy, the Farmers' Association and the TA, all of whom claimed to represent the local population. Both letters described above made reference to being pro-development and expressed a wish to work with the government. They also made claims to legitimacy on the basis of government legislation or in the case of the Farmers' Association, affiliation with government-recognized farming association bodies.

The government also asserted authority over the interests of the people of the Conservancy and their development. In the view of many government officials, it was up to the government to develop the San and to bring their state of being in line with that of other groups of Namibians. This government obligation to bring development to the San was asserted by the Minister of Lands when he stated in a meeting in the Conservancy area related to the farming scheme that:

It is high time for the San people to live equally as the other people. The government has decided that this has to come to an end...If the government wants to interfere the Europeans say leave the people with their culture and the same applies here where people are saying don't interfere with the San culture. The San people should not live that way. They are the future of our nation. All over the world people lived in caves but development has led people to live the way they are today... All Ministries have been instructed to offer their services to all people equally. Therefore in communal areas, the Ministry of Lands will assign some parts to small-scale commercial farms, communal farms and conservancies. (Ntja Jaqna Conservancy 2006g 3)

The above statement is indicative of the views of the Minister of Lands on development among the San of Namibia. First, San should be equal to all other Namibians; farming is an avenue to equality. This statement is consistent with the Namibian government's stance towards the San and indigenous rights discussed in Chapter 3. Second, Europeans are interfering in Namibian matters when calling for San rights or San views of development to be respected. In this conception of the development problem, the San do not seem to have a voice. For the minister, the small-scale farming units are development and development is the path that the San must follow. He also pointed out that the government has a responsibility to provide services and development for all people on an equal basis. Here the farming units are framed as the government fulfilling their obligations not just to the San who may not want to farm on the units, but also to those who would wish to do so. In addition, by improving food production and food security on the national scale, the small-scale farming units are in the national interest, even if they do not receive local support from the residents of the area into which they are to be introduced. The Minister of Lands was not alone in projecting his understanding of the San onto the development process.

In 2009, as the government sought to move ahead with demarcation of the area to be set aside for the implementation of the farming scheme, the Governor of the Region in which the Conservancy is situated stated during a visit to the Conservancy office with a group of foreign donors that the government "wanted all the San people to develop up to the rest of Namibia and not live in the 18th century." He also cautioned the Conservancy that "the San must not block development, Namibia and those farms are for all people" (Nǀa Jaqna Conservancy 2009c 2). For the Governor, the government understood best what was in the interests of the San, and the farming units would bring development to the San if they wanted it or not. He posited the opposition of the Conservancy and its members to the farming scheme as being anti-development, and attempts to halt the implementation of this government-defined development would leave the San behind in the 18th century. As the !Kung TA, the local Farmers' Association and the Government made claims and counter claims to represent the interests and views of the Conservancy residents various attempts to assert control of the terms of development played out in the Conservancy. Government officials attempted to assert authority over the content and processes of development on several occasions. Such an attempt was made by the Minister of Lands when he opened a meeting in the Conservancy and stated that in 2001, prior to the Conservancy gazettelement in 2003, the Namibian Cabinet approved Tsumkwe West for development of small-scale farming units, and because the farming units and the Conservancy had been approved by the government, both were "government projects" (Nǀa Jaqna Conservancy 2007d 2). When the Conservancy Chairperson attempted to challenge the government's ability to dictate the

terms of development in the Conservancy area based on sections of the Communal Land Reform Act that required that land could not be allocated in the Conservancy area for purposes contrary to Conservancy Natural Resource Zonation Plans (as would be the case in allocating land for farming purposes in the Core Wildlife area in the northern part of the Conservancy), the minister stated that the Ministry of Lands had total control over land allocated in the Conservancy area and that “this (Communal Land Reform) Act applies only in those areas where people have to apply for 99 years lease. The leasehold is not applicable to Tsumkwe” (ibid.). While this statement left Conservancy leaders and members to wonder which laws were applicable in the Conservancy area, it also served to make clear that the government was intent on dictating the terms of development in the area.

As time moved forward and the farming scheme faced increasing opposition from the Conservancy leadership and membership, government officials responded by becoming more assertive of absolute government control over the development process. When a Conservancy leader challenged the ability of the government to move ahead with the scheme without the consent of the Conservancy or the local population in 2008, he was met with the following words by the leader of an inter-ministry task team sent to the Conservancy to demarcate the areas where the farming units would be implemented:

We are not going to play games. A decision was taken by the Cabinet...If the Chairperson of the Conservancy undermines the decision of the Cabinet it is a show of disrespect to authority.

Who are you to oppose what the Cabinet has decided? It is the obligation of the government to bring development to the people for it owns the land. The government has power to decide what to do with the land since it owns it. If the government decides to move the San people from here to another area it will move them to another area. There are projects initiated by the Community and the government accepts and there are projects initiated by the government and the community should accept them. (Nṭa Jaqna Conservancy 2008c 2)

Here the government is said to have absolute control not only over the terms of development but also over the lives of the people who reside in the communal areas of the country. Attempts by Conservancy leaders to oppose the farms on the basis of mandates given to their membership were simply shows of disrespect to the proper authorities. Even when government officials began to question the extent of local support for the farming scheme and questioned the effectiveness of consultations, more senior officials asserted government control of the process through statements, such as the following:

The Ministers of Lands and Environment and Tourism along with the San member of Parliament and the Regional Councillor from the area do not have a problem with

the plan...Senior leaders have made the decision and we are going with those interested...The Conservancy can take the decision of the government up to hell. (ibid.)

For their part, Conservancy leaders stressed that they were democratically elected leaders and were opposing the farming scheme as directed by the Conservancy membership at the village level and in the Conservancy AGM, which was the highest decision making body of the Conservancy. Throughout the consultation phase of the farming scheme, the Conservancy leadership had understood consultation as an exchange between two or more equal parties, and yet the comments such as those above suggested that the government understood consultation as a sort of lesson for the San.

Not all local people opposed the government plan to implement farms in the Conservancy. Members of the local Farmers' Association also attempted to define the terms of development in the Conservancy area. One farmer defined the terms of development in the following way: "You cannot milk a kudu and we should only have farming in this area for the development of the people" (Ntja Jaqna Conservancy 2006b 4). Another non-San government employee working in the Conservancy stated that "Conservancy is not development. Development is when one has his own things like a farm. These farms are things that people can do to develop themselves" (Ntja Jaqna Conservancy 2006f 5). These statements are indicative of the arguments forwarded by those already engaged in farming in the Conservancy. Game conservation was not seen as development; for these people development meant cattle farming and these were the terms of development that the San should accept.

The Conservancy countered efforts to control the terms and process of development with their own claims and assertions. One of the ways that the Conservancy leadership sought to define the terms of local development was by positioning the Conservancy as pro-development, and as a steward of local resources for the current and future benefit of the Conservancy residents. In efforts to shore up support for the Conservancy's role in at least helping to define development in Ntja Jaqna, Conservancy leaders sent a number of letters to government bodies that the leadership thought had reason to support the Conservancy in their opposition to the development processes associated with the government farming schemes. The Conservancy leaders came to understand the government scheme as a threat to the continued existence and sustainability of the Conservancy. One strategy that they employed in attempting to meet this challenge was to engage with the network of partners and supporters that had grown as a result of the implementation of the Conservancy in Ntja Jaqna. For example, in 2006, when meetings about the farming scheme were taking place, the Conservancy office requested the WIMSA office in Windhoek to send letters to the Ministry of Environment and Tourism as well as to the San Development Programme in the Office of the Deputy Prime Minister on behalf of the Conservancy. Both of these letters

mentioned the “enlightened Conservancy Policy of the government” (Nǀa Jaqna Conservancy 2006e; WIMSA 2006) and potentially negative social and environmental impacts of the farming scheme proposed by the Ministry of Lands. They both positioned the San as stewards of the environment and as being pro-development via their support for the CB-NRM program. These letters also stressed the desire of the Conservancy leadership to work closely with the government to promote “sustainable development in the Conservancy area” (ibid.). Both letters stressed the indigenous identity of the San membership of the Conservancy, which demonstrates that the leadership of the Conservancy was acutely aware of the politics involved in how they were represented. The Conservancy and organizations such as WIMSA that supported them worked to display a consistent image of the Conservancy membership as indigenous environmental stewards who sought sustainable development through participatory, government-recognized Conservancy institutions.

Conservancy leaders sought to engage national and international networks of donors, indigenous rights organizations and conservation groups in support of the Conservancy position vis-à-vis the farms. Conservancy staff and leaders met with members of these networks in order to discuss possible answers to several questions. Some of these meetings took place between Conservancy leaders and representatives of individual organizations. Others were larger meetings in which the Conservancy brought together representatives of several organizations. The agenda for one such larger meeting clearly lays out the sort of questions that the Conservancy sought input on from their network of supporters:

- Clarification of what is required for the farming proposal of the MLRR to go ahead?
- What possible strategies are agreeable to the stakeholders, which the Conservancy and the people of Nǀa Jaqna may pursue in order to halt the proposal according to the wishes of the majority of the community?
- What should the path be in representing the issue to the media in Namibia and abroad?
- A plan of action which actively neutralizes threats to further development of the Conservancy
- Identification of a wider network of support for future development of the Conservancy (Nǀa Jaqna Conservancy 2006d)

After engaging with their networks of supporters and partners the Conservancy developed a multi-pronged strategy that they sought to deploy in efforts to put a halt to the Ministry of Land’s plan and to assert control over the terms of development in the Conservancy.

The first element of the Conservancy strategy was to continue to engage in dialogue with the Ministry of Lands and other elements of the national government. These efforts met with some success as outlined by number of meetings that the Conservancy was able to have with high-ranking government officials. To this end, the Conservancy also put their concerns about the farming units in writing and submitted them as the official position on the farms to the Namibian Cabinet. This document was a very comprehensive statement made by the Conservancy leadership on the farming unit scheme's implementation, and their concerns about the project's impacts on the Conservancy institutions, as well as the physical, social, environmental, political, and economic impacts that the farms could have (Nǀa Jaqna Conservancy 2007b). This document reflects the Conservancy's desire for open and honest communication with the government and attempts to assert the position of the San membership of the Conservancy into national debates surrounding land reform in the communal areas of the country. The letter also reveals a desire on the part of the Conservancy leadership to act on behalf of the membership in communicating local concerns and positions to the government, thus filling a perceived gap left by the !Kung TA and the Regional Land Board.

The Conservancy leadership also engaged with national-level San organizations in an effort to bring pressure on the government to respect the wishes of the Conservancy membership. A Conservancy leader served on the Namibian San Council. According to WIMSA, the San Councils are:

...elected and representative bodies that work to conduct important advocacy work on behalf of national San communities. Composed of members elected by local communities and San organizations, San Councils bring together and strengthen existing leadership structures, putting communities in a better position to influence decision-making processes at different levels, and to link up with the international Indigenous rights movement. (WIMSA 2011)

The Namibian San Council was established in 2006 and is comprised of two San representatives from each of the six officially recognized San Traditional Authorities in the country, and representatives from San community-based organizations, such as Nǀa Jaqna. The Conservancy leader from Nǀa Jaqna was able to bring the government farming scheme to the attention of the San Council and after much discussion the meeting produced a resolution against the farms that was signed by the Chief of both the !Kung and the Ju'hoan Traditional Authorities. The resolution read in part:

We, the Namibian San Council, the chiefs of the !Kung and Ju'hoansi resolve to support the Nǀa Jaqna Conservancy in its continued development. Furthermore, Chief Arnold of the !Kung TA has resolved that having conducted a thorough consultation

of the community about their support for the small-scale farming project and the Nǀa Jaqna Conservancy's management plans, he will now inform the Minister of Lands and Resettlement in writing that, as the majority of the conservancy's members support the conservancy's management plan, he also supports the established management plan rather than the small-scale farming project. (Namibian San Council 2009)

This resolution is significant for a number of reasons. The first of these is that it is a clear indication that the Chief of the !Kung had come to oppose the government plan based on the recognition that the majority of the Conservancy membership was calling for respect of the Conservancy Management Plans framed by the membership through participatory planning exercises. The government had put pressure on the !Kung TA to deliver support for the government project and now the Conservancy membership and its network of supporters had succeeded in convincing the !Kung Chief to formally withdraw his support for the project. Secondly, it demonstrates the successful engagement of the Conservancy with the emerging Namibian San Council as an effective national San advocacy body.

The Conservancy engaged with its networks of supporters to assert Conservancy rights to land and appropriate development on the international stage. These efforts bore some fruit as members of the Conservancy's network held meetings with the European Union Ambassador in Windhoek, and the issues had been brought to the attention of some members of the United Nations' affiliated organizations concerned with the safeguarding of the rights of indigenous peoples. The Conservancy also had a statement that they had prepared in relation to opposition to the government plan read by a San woman who was attending an international conference in Germany. The struggles of the San with the government's farming proposal made their way into statements made by San leaders at various international forums. For example, the statement of the San Caucus of Southern Africa to the 11th Session of the UN Permanent Forum on Indigenous Issues in May of 2012 specifically called on the governments of southern Africa to recognize the land and resource rights of San via conservancies. They pointed out that commercial cattle farming and agricultural production has become a threat to the land rights of the San. They also called on the UN to "influence" the government of Namibia to engage in consultation on all development projects (South African San Caucus 2012 1). Conservancy links to the international community were being used to draw attention to the Conservancy's message, which it hoped would put pressure on the Namibian government to abandon the farming scheme.

The Conservancy also considered legal options to assert Conservancy rights to land and input into development processes in the area. The Conservancy worked with one of its partners to generate a legal opinion on the legality of the implementation of the farming scheme in the Conservancy and also prepared to take legal action to stop the project in the

courts if necessary. Legal action was always considered a last resort as it would consume a lot of time and resources and the Conservancy did not wish to come into open conflict with the government on the issue and preferred a negotiated solution. In an effort to convince the government to abandon its plan to implement the farms in the Conservancy, the leaders garnered local opposition to the project in the form of a petition.

On several occasions representatives of the Ministry of Lands had asserted that the farms would not be implemented in the Conservancy area without the support of the local population. However, as consultations on the farms moved forward and local opposition grew, the government attempted to downplay local opposition to the farms and asserted that there was in fact support for the project from a large percentage of the population. The Conservancy leaders felt the petition would settle once and for all the question of the extent of local opposition to the project that could be used as a tool in negotiations with the Ministry of Lands and other elements of the national government. In 2008, teams comprised of Conservancy leaders, members of the !Kung TA, local staff of the Ministry of Environment and Tourism and staff from the Regional Councillor's office in Tsumkwe visited all of the communities in the Conservancy according to a schedule circulated in the villages the month before.

The desire of the Conservancy was not to create conflict among supporters and opponents of the project but rather to allow supporters and detractors alike to formally make their stance on the farms clear to the Minister of Lands. When the circulation of the petition was complete, more than 78 percent of the Conservancy residents had provided signatures in objection to the government's proposal and the petition was submitted to the Minister of Lands (Nǀa Jaqna Conservancy 2008b). While it remained unclear how the petition impacted governmental attitudes towards the farming scheme, for the leadership of the Conservancy the petition was proof of local opposition to the farms and helped to establish that the positions taken up by the Conservancy leaders were in fact congruent with local wishes and needs.

This section has chronicled what has become locally referred to as the consultation period of the small-scale farming scheme, which spanned the first seven years of Conservancy's existence. It has outlined a process fraught with tension and conflict; conflict between differing visions for development in the Conservancy area and conflict between different groups of land and resource users. The processes described in this section gave rise to a heightened level of conflict and contestation between the Conservancy and the !Kung TA and between the Conservancy and the local Farmers' Association. It has explored the context in which various institutions such as the Conservancy, TA, the Farmers' Association and the government all laid claim to representation of the residents of Nǀa Jaqna and their

interests. Many of the challenges that the San of Nǀa Jaqna and other San-speaking populations face when attempting to assert a voice in developmental debates of various scales have been explored. It has also illustrated how information is manipulated and withheld in the development process. This section has also demonstrated the extent to which the institutions of the TA and the Regional Land Board have largely failed those that they are said to serve. The preceding has served to underscore the challenges that the San of Namibia face as they attempt to engage with development not as an object of development, but rather as an author of and actor in the development process. Consultation around the government scheme has proved to be a source of challenge and strength for the young leadership of the Conservancy. In the sections that follow, the focus on the interplay of institutions and interactions of those in positions of authority and power will shift towards a focus on how the farming scheme and other projects laying claims to Conservancy lands could affect the life ways and livelihoods of the Conservancy membership.

Why Small-Scale Commercial Farms in the Conservancy Area

The notion of carving up the communal lands of Namibia into individually held farming units has been around for decades. During the 1960s, the aim of creating family-level “economic units” became a tool for policy makers attempting to transform customary land tenure throughout southern Africa. The idea of economic units has become entrenched in contemporary discourses of Namibia’s rural development. The economic unit has come to be viewed as a basis for sustainable development among the governing elite. The idea of economic units was discussed at a development conference held in the Namibian capital in 1980 where delegates came to favor the idea that livestock farming should provide the basis for economic units in the country and that agricultural production or other farming activities should be a focus for national planning (Werner and Odendaal 2010 28).

Prior to independence, attempts to transform communally-managed areas of the country by replacing customary tenure arrangements with fenced economic units received support from policy makers who were heavily influenced by Hardin’s (1968) “tragedy of the commons” thesis. One of these proponents of privatization of the communal areas was the last pre-independence Minister of Agriculture. In 1989, at the 24th Congress of the Grassland Society of Southern Africa, he stated that land degradation was rampant in communally held areas of what is now Namibia. Producing no real evidence of this, he went on to blame said degradation on the customary tenure system which, he argued, gave no incentive to farmers to improve the land due to a lack of private ownership. He proposed that the preferred solution to the problem was to “break up the whole commu-

nal system into economical units which are operated on a purely commercial basis" (Werner and Odendaal 2010 29).

These perceptions of the undesirability of the customary tenure systems survived into the post-independence era despite academic disagreement (see Fratkin and Roth 2005; Little 1996) and have underpinned the government attempts to establish small-scale commercial farms in the Conservancy. Since independence, freehold and customary tenure have commonly been characterized as "first and second class systems of land tenure" (Werner and Odendaal 2010 29). The Namibian government has operationalized prominent economic theories that emphasize the importance of property rights and the desirability of privatization to allow for the creation of land title and increased productivity on formally communal lands. The government has viewed the Conservancy as including underutilized lands, which must be divided into economic units to ensure economic growth and diversification. This view is strongly contested by the local population. The Namibian government proposed the farming scheme as being in the national interest as it would improve economic productivity, promote diversification of formally communal lands and increase national food security while reducing reliance on food imports. My own research suggests that additional sources of motivation for the government in implementing the scheme can be identified.

We have seen in the previous chapter, on land reform in Namibia, that the government remains under immense pressure to increase the pace and scope of the National Land Reform Program. The implementation of the small-scale commercial farming units in the Conservancy can be viewed as an effort of the SWAPO government to find cheap land on which to (re)settle previously disadvantaged Namibians. As stated above, the government owns communal lands and as such does not have to pay market value for these lands as they would when purchasing white-owned ranch land for redistribution under the Land Reform Programme. The implementation of the scheme in the Conservancy would open up opportunities for the SWAPO controlled government to firm up political support. This could be done through the establishment or strengthening of patronage networks via the farming units in the Conservancy area. Amid unclear allotment procedures the government would be able to allocate the farms to members of cattle-keeping groups resident in crowded communal areas in Namibia's North Central Regions from which SWAPO derives the majority of its support. For the San the impacts of such a policy are far from certain:

While rights still enjoy a central place in de Soto's works and in neoliberalism in general, they are substantially different than in the classical sense of the "social contract" between the State and its citizens. Rather, they are narrowly defined as guaranteed rights over property, which qualify people for loans, which in turn allow them to enter the global economy as investors, producers and consumers. Investments, of course, carry no guarantee. It is possible, even probable, that people will lose their

capital due to limited opportunities on the bottom rungs of the ladder. Poor people are more likely to consume capital due to the numerous emergencies in their lives. Moreover poor people have little capital and little experience of how to effectively invest it. The regulation of resources, even when obscenely to their benefit, often works to their detriment. They often find themselves divested of their property even when that property is putatively protected by law. (Homewood, Krisjanson, and Chenevix Trench 2009 360)

As the government pursued its goal of establishing the small-scale farming units in the Conservancy, the Conservancy membership was forced to contemplate an uncertain future. The following section will examine the government's proposals to create small-scale farms. The potential benefits of the scheme will be set against possible negative effects of the scheme on the people and environment of Nṭa Jaqna.

Viability of Small-Scale Commercial Farming Units Questioned

A number of factors and arguments underpin opposition to the government's farming unit scheme. Opponents have openly questioned the ability of the government to meet its aims of increased production in the Conservancy area. Many of those who oppose the government's small-scale farming scheme point to a lack of water resources in the Conservancy as a major deterrent to the success of the small-scale farming units that the government would like to establish. In the Nyae Nyae area east of the Conservancy, the water table is found between 20 and 25 meters below the surface on average, while in some places it is only two or three meters under the ground. In contrast, the water table in Nṭa Jaqna is more than 130 meters below the surface. While there are some areas where the water table is less than 100 meters deep (i.e., mainly in the Omatako omarumba area, outside of the area earmarked for farm development by the government), the depth of the water table has historically limited settlement in the area (Botelle and Rhode 1995 12). Conservancy efforts to drill new boreholes for use by game in cooperation with the MET and donors has proved to be extremely expensive (Nṭa Jaqna Conservancy 2007c 5). A lack of water in Tsumkwe District West has long been acknowledged by consultants working for the Ministry of Lands (Botelle and Rhode 1995). As pointed out by Hitchcock (2009), cattle are highly water-dependent animals as they require 29.5 liters of water per day to maintain a good condition. The lack of ground water has led to questioning of the desirability and sustainability of both livestock farming and crop production in the Conservancy area. In 1995, a government sponsored report concluded that water is an important constraint to the development of farming in the Conservancy area and noted that rain-fed agriculture is a marginal activity in the Conservancy area, and that mixing livestock farming with other land uses, such as game manage-

ment and veld food harvesting, would likely lead to increased conflict among land users. It recommended that the emphasis be placed on subsistence rather than commercial farming (Botelle and Rhode 1995 190).

Many Conservancy leaders and residents pointed to a plan by the government-run Rural Water Supply to hand over the responsibility for maintaining borehole infrastructure and fuel supply to localized user groups or the Conservancy as proof of the high costs and difficulties associated with provision of water in the Conservancy area. Rural Water Supply officials openly acknowledged the high costs of water in the area during meetings with the Conservancy leadership and the !Kung TA in which they attempted but failed to get agreement from the Conservancy to take over responsibility for covering the costs of provision of water in the area from the government. One San-speaking elder had this to say about the farms and the lack of water in the area proposed for the development of farms:

R: You see that they are playing tricks with us. They promise everything for the farms, but, in the end, it will just make me poor and my people will not have anything in the end. They may give me a borehole but what will happen? There will not be enough water in the borehole and I will suffer to pay to maintain the borehole. Why should I jump to be given a borehole that I cannot afford to maintain? It is useless to farm here. There is no water and no money in my sack for diesel. They will only make us poor with their ideas here; they do not know the area and just think that because they like to be with cattle then it will work for me here...I know that area very well. It is not suitable for farming; it is a sandy area with dunes. They will find no water there. How can the government put farms there? They will not do anything; just get mad when they cannot find water. Maybe they want to push us there so that we can be thirsty. (R25-67, 07.03.08, M'kata, translated by F.G.)

The lack of ground water in the area that the government intends to transform into small-scale farming units is not the only basis for local skepticism about the viability of the farms. There is a basis for questioning the extent to which the farming units will be viable as relatively small independent units.

While the government was not forthcoming with the exact number or size of the farming units that they intend to implement in the Conservancy area, the Minister of Lands did put the size of the farming units at 2,500 hectares during a meeting in the Conservancy (Ntja Jaqna Conservancy 2007d 1). This is in line with the recommendations of the Land Reform Advisory Commission that farming units should be between 1,000 and 3,000 hectares in size (Werner and Odendaal 2010 36). However, the issue of the appropriate size of these units has been a point of contention between policy makers. Many point out that while the Ministry of Lands has opted for a relatively small size for economic units, presumably to boost the number of beneficiaries of resettlement, there is evidence that commercially

organized agriculture favors large-scale ranch type cattle farming in the country. It is not only opponents of the farming scheme resident in the Conservancy who have questioned the viability of relatively small farming units operating independently of one another. Many Conservancy residents expressed the view that the units that the government proposed are too small for their intended purpose of commercial livestock farming.

A study of the issue of farm unit size suggests that units consisting of 2,500 hectares may not be economically viable in Ntja Jaqna. This study points out that 12 to 15 hectares of land is needed to carry one head of livestock in Namibia. If these numbers are accepted then those receiving a farming unit of 2,500 could reasonably expect to be able to carry a herd of a maximum of 166 to 208 heads of cattle. In 2004, the Permanent Technical Team on Land Reform concluded that in areas of low annual rainfall, such as Ntja Jaqna, approximately 3,000 hectares would be needed by an individual farm unit holder in order to see positive economic returns from livestock farming (van Donge et al. 2005 11).

Local opposition to the proposed farming units is based in part on the realization of the fact that livestock farming in Namibia is capital intensive. Many San-speaking residents of the Conservancy point out that they do not have access to the relatively large amount of capital needed to sustain the farming units. Small farming units require a higher amount of capital than larger units due to restricted opportunities for low-cost risk management. The calculation of the appropriate size for an economic unit generally includes a large component for risk due to drought. Large size of a holding is one way to protect the farmer against risk associated with severe weather such as drought. A farmer needs a unit of sufficient size in order to be secure during years of poor grazing conditions. In larger units (i.e., more than 3,000 hectares), a farmer is able to take advantage of small microclimates during drought. In addition, smaller units such as those proposed in Ntja Jaqna would require high levels of capital due to the need for infrastructure that allows for reliable access to water throughout the year. In a small unit, a need for capital to buy supplementary feed and salt licks for livestock units may arise if the quality of limited grazing is reduced due to climatic conditions such as drought. Small units also require larger amounts of capital than larger holdings to combat loss of limited grazing to bush encroachment. The costs of combating bush encroachment can be high. A recent study pointed out that the costs of thinning and/or cleaning bush encroached grazing areas generally outweigh the benefits in terms of increased carrying capacity on larger farming units, averaging 5,700 hectares across the county (Sweet and Burke 2006). However, in a unit of 2,500 hectares, such as those proposed for Ntja Jaqna, a farmer may not be able to lose much grazing or carrying capacity to bush encroachment and to forgo the costs of clearing or cleaning bush encroached grazing areas if the farming unit is to be profitable.

The increased costs of livestock farming since Namibian independence is associated with the abolishment of subsidies. During the apartheid era in Namibia, there were substantial subsidies available to white farmers for costly inputs such as water and diesel. The only subsidy available to farmers in more recent times is the subsidized loans offered by the government under the Affirmative Action Loan Scheme. Due in large part to this loss of subsidies and the increasing costs of farm inputs and infrastructure, the production structure of commercial farming in Namibia has changed drastically. The size of the herds on commercial holdings declined by about a third from 1990 to 2001. Increasingly, former commercial livestock farms have now been stocked with game that is kept for the use of trophy hunters. The number of animals that have been trophy hunted in the country tripled between 1994 and 2002. Commercial hunters have adapted their business to become managers of tourist enterprises (van Donge et al. 2005 5–6). Opponents of the farming units in Nǀa Jaqna consistently pointed out that they have a viable and profitable trophy hunting operation, and that they wish to invest capital into tourism rather than farming enterprises.

Farming units established throughout the country by the Ministry of Lands have been criticized for not being congruent with the needs and desires of those that apply for them. Here, the units are seen as too large to suit the purposes of those that settle on them. A study of the National Land Reform Program has shown that the program leaves applicants for land with no avenue through which to articulate their preferred land use and livelihood options. The study further illustrates that many farming units allocated to individuals remain unproductive due to the fact that many applicants to the program do not necessarily need or want a piece of land that is in excess of 1,000 hectares for the purposes of commercial farming. The rigid stance taken by the Lands Ministry in regard to the size of the farming units has left applicants with no option but to apply for a small-scale farming unit. If successful, these beneficiaries receive a holding larger than 1,000 hectares that they never had any intention of farming except as a basis for household subsistence (Werner and Odendaal 2010 32). This trend brings into question the Ministry of Land's contention that the implementation of farming units in Nǀa Jaqna will increase economic output and increase food security on a national scale. These proposed farms are not congruent with the locally articulated needs or aspirations of the majority of the Conservancy membership. This disjuncture has led many Conservancy members to question the motivations of the government in implementing the scheme and many Conservancy members have come to view the project with suspicion and/or contempt.

Local opponents to the government's plans for small-scale commercial farming in the Conservancy pointed out that over-grazing was likely to occur, and that the farms would have other negative impacts on the environment of the Conservancy. Many Conservan-

cy residents feared that farmers allocated units in the northern part of the Conservancy would push their cattle onto the remaining communal lands in the southern part of the Conservancy in times of drought and other stress. Little would stop someone who had been allocated a farm from pushing cattle outside of the fences of his or her farm when it is economically or socially advantageous for them to do so. An environmental expert working in the Conservancy area confirmed to me that these fears among the local population of the Conservancy were not unfounded. He pointed out that due to the small size of the farming unit the pressure will be on the farmer to overstock the unit in order to make ends meet. The result of this would be the eventual failure of the perennial grasses in the holding. Such a situation would leave the small-scale farmer little choice but to look to the areas in the south of the Conservancy for grazing. He felt strongly that such a situation would lead to social conflict and large-scale environmental damage. He also expressed concern that the type of farming that would be conducted on the allocated plots would conflict with the local wildlife. He pointed out that based on his experiences in other parts of the county, the elephant population of the area would destroy water related infrastructure on the farms. He stated that often when farmers have problems with elephants they shoot the elephant in the stomach. The result of this action is that the elephant will move 20 or 30 kilometers away from the site of the shooting before dying. This makes it very hard for the Conservancy, the TA, or the MET to punish the person who shot the elephant (Personal Communication F.S.,26.11.07). These insights point not only to major conservation challenges that the proposed farms could bring, but also to the deleterious effect that the farms would have on the ability of the Conservancy to continue to generate income for the membership and to maintain the trophy hunting contract that is the most important source of income to the Conservancy.

In addition to the scarcity of ground water, locals familiar with the areas north of the C44 road, who use the area to gather veld food and other resources, pointed to the widespread presence of a plant that has a negative impact on livestock when ingested by the animals. A government report conducted in 1995, which examined the potential of the Conservancy area for resettlement, pointed out that Tsumkwe District West (i.e., the location of the Conservancy) plays host to what is referred to as “an endemic poisonous plant” (Bottle and Rhode 1995). Locally referred to by the Afrikaans term *gifblaar* (scientific name: *Dichapetalum cymosum*), the plant is responsible for deaths of livestock that happen upon it through grazing. Deaths attributed to the plant occur mostly in the early spring prior to the onset of grass growth or during periods of drought (ibid.). Locals also contend that the plant tends to grow well in areas where over-grazing has occurred.

Conservancy members also questioned the viability of rain-fed agriculture, which the government contends could be carried out on the farms in the Conservancy. The climate of the Conservancy is semi-arid and as such is characterized by a low rate of annual precipitation, periodic droughts of varying severity and high rates of evaporation. Many local people who have engaged in attempts at rain-fed agriculture through the planting of maize and pearl millet argued that the returns from agriculture are marginal at best. Even with seed inputs and assistance from the government, many local residents had not been successful in agricultural pursuits in the past. As rainfall is a limiting factor in the rate of plant production, the seasonality and spatial/temporal variability of rainfall has historically had implications for the management and utilization of crops in the area (Botelle and Rhode 1995). Many local residents were unconvinced that the small-scale farming units could offer great potential for income generation through cropping.

Many San-speaking Conservancy residents felt strongly that the San would not benefit from the government's farming scheme. Many of the same people conceded that even if the San were allocated farms under the scheme they would not likely succeed due to a lack of experience with the management of a commercial farm. Some called for the government to provide training to the San so that they can succeed on the farms if they are implemented. Others such as the following respondent thought that the government recognized the challenges that the San would have with managing farming units in the Conservancy:

R: Even if the farms come and the government says that they will go to the San there will be problems. Many of the farms will fail at the hands of the San. The government knows that the San people are poor and they are not farmers... The government will watch the San fail and then give the farms to people from outside. Those people might know how to farm and they will become rich and the San just more poor. They (the government) think that we do not see what they are doing trying to put farms where people do not farm. Their goal is for the rich from outside to come here and get richer. (R25.4, 21-111.07, Mangetti Dune, translation by F.G.)

The head of the local Farmers' Association, a strong proponent of the government scheme, also recognized the potential problems associated with allocating farming units to those who do not have experience in farming. He suggested that the farms should only go to those with farming experience (e.g., members of the Farmers' Association). In referring to the problems faced by resettled people in the past, he shared the following:

R: It is the government who gave the people the money to set up the farms. The people (recipients of resettlement farms) are suffering. They do not know how to manage the farm. You just sell 30 cattle and you get 120,000 Namibia dollars in your pocket and then you take your wife and you go to town and you start to push the trolley (in the grocery store) and later on the farm is very difficult because you have

to look after your fences and look after your water pump. You have to look after everything. If you are misusing your money and you are not knowledgeable about what things will cost then you end up and you do not have farms and fences are gone, the pumps are broken and all these other things. These are the situations that other people found themselves in. The government is now learning from their mistakes and the government is now looking into the resettlement project and deciding not to give people farms who cannot manage farms. Like those people who are settled and they do not have cattle they do not have anything. Sometimes these people with nothing they go to the bank and they borrow N\$50,000 and the collateral is the land and N\$50,000 is going to buy cattle and later on he defaults on paying the loan and he eats all the cattle, finishes all the cattle. That is what happened to other people and it is a problem already....The farms must not go to those who do not know how to farm and work with money. (R25.90b, 23.04.08, Mangetti Dune, partial translation by F.G.)

Some San-speaking Conservancy members pointed out that due to a lack of knowledge of farming practices, many San would become workers for those who are allocated the farming units. One respondent said that the implementation of the farms would likely lead to the San becoming “slaves” to those who are granted a unit (R25-106, 14.07.08, Mangetti Dune, translation by F.G.). Another San-speaker said the following about the future of the San on the government’s proposed farming units:

R: I do not foresee anything good. If you are not fully equipped or trained well and you are just given something to deal with how are you going to do that? You can give me cattle, you can give me everything but I am not equipped to work with those things. Then in the future I will not benefit. I will be forced to give over the farming unit to someone else and end up with nothing. But, I will not be able to come back to the land in the north. It will all be privately held and I will do nothing. Later on someone who knows how to farm will take the farm that I was given and I must just beg him for small hands full of corn meal when I do all the hard work for him. That rich person will come and I will have to put my head down and work for that person. Later, I am not on my place; I am on his land. I will become a worker for him and nothing more. That is not a future. (R25.108, 25.06.08, Mangetti Dune, translation by F.G.)

Many opponents to and proponents of the farming units recognized that similar schemes have not worked well in Tsumkwe West or other parts of the country. Numerous San-speaking residents wanted to know how the farming scheme proposed by the government was any different from farming schemes attempted in the past (see Chapter 2 for a discussion of failed land redistribution and farming schemes in Tsumkwe West). Some respondents couched their opposition to the farming scheme in local experiences with failure of past schemes implemented in the area. A beneficiary of a church-led farming intervention shared

the following about his experience with that scheme and his attitude towards the farming proposal of the government:

That project gave me those sheep now they have taken them back and my family has nothing. It was a waste of time and put a bad feeling in me as a failure for my family. Why would I ask the government to give me a farm so that they can take it back once I have put work in? I know this Conservancy. I understand what we are doing. I can do this, why must I now go back to what I do not want? That farming is not good for me. All of us here we are succeeding with the Conservancy. Why invite failure? (R25-10.03.08,9 Luhebo, translation by F.G.)

Many respondents shared similar stories of their negative experiences with past farming schemes. For many of these people, their experience with failure in farming was something that they did not wish to repeat by engaging with the government farming scheme. Even the most vocal local supporters of the farms recognized that Conservancy members could struggle to farm in the area. The head of the local Farmers' Association recognized that those who have already received farming units under the National Land Reform Program have struggled to make ends meet. He made explicit reference to the experience of many beneficiaries of resettlement farms in the Okakarara area from which he came. He also asserted that the San should expect to face many of the same problems if they were to take a farming unit under the government scheme. Nevertheless, for him, farming is development and the San must be developed through engagement with farming. In his words "The San must face the difficulties that other people are facing" (R25-90, 23.04.08, Mangetti Dune, no translation).

Due to experiences of the communities of Ntja Jaqna with the failure of past farming interventions and local knowledge of the difficulties faced by San and non-San families who had already received resettlement plots under the National Land Reform Program, many Conservancy residents feared that even if local people were allocated the farms the end result would be local people losing access to the Conservancy's land and resources. Many respondents pointed out that they saw the long-term result of the scheme as being a transfer of control over lands and resources enjoyed by the Conservancy members to outsiders. The head of the local Farmers' Association also shared the fear of alienation resulting from local beneficiaries selling their plots to people from outside of the Conservancy area. He said the following about the potential for Conservancy members to sell the plots granted as part of the scheme:

R: This is an old story not only for the San people but for other people as well. If local people are given farms how can you stop them from selling their allocation? That is a big question. The problem is not giving farms to San people here. The problem is that they will sell them. If you get a certificate for a farm lease that is 99 years long, that the farm is yours for 99 years then no one by law is going to stop them from sell-

ing if they do not want the farms...We see it elsewhere. Land is something that many people want. When there is such a want people will do many things. Some things are legal and some things they are just taking advantage. Who is to say that the San who gets a farm will not sell and who is to say what will happen to this place...There should be some way that those who get the farms cannot sell to others so that we do not have chaos and fighting here. Things must be done in the proper way to avoid the problems of people rushing in here to grab land. (R25-90, 23.04.08, Mangetti Dune, no translation)

Many opponents of the government farming scheme based their opposition on a combination of factors which lead them to conclude that farming on such units was not feasible and that such farming was not in line with local needs, skills or aspirations. Both opponents and supporters of the project recognized that the success of such farming ventures is far from guaranteed.

Supporters and detractors alike also recognized that the allocation of the farms is a process that could lead to Conservancy members' land and resource alienation. Many local opponents of the farming units had a negative view of the potential for those who are allocated plots under the scheme to succeed on an individual basis. Opposition to the farms was also based on suspicion and contempt for the ways in which the allocation of lands under the scheme had been explained to them. Opposition was also based on a range of negative effects that the proposed project could have on the livelihoods of much of the Conservancy membership. The following section will highlight some of the potential impacts that the government farming scheme could have on the ability of the Conservancy membership to carry out livelihood related activities and the ability of the Conservancy to make a positive contribution to the lives of the members.

San Livelihoods and the Farming Units

Many San members of the Conservancy pointed out that the implementation of the farming scheme would have a negative impact on their food security though eliminating access to important sources of veld food on which most of the Conservancy members depend for at least a part of the caloric intake on the household level. For example, 91 percent of those that I formally interviewed for this study stated that they regularly forage for food in the veld of the Conservancy, and 94 percent said that they had consumed veld food from the Conservancy in the month prior to their being interviewed. The importance of veld food for the food security of the Conservancy's population is underscored by the fact that 34 percent of the households in the Conservancy reported having no reliable monthly income and an additional 32.5 percent reported monthly household income being less than N\$300 (C\$ ≠

7N\$) (Nǀa Jaqna Conservancy and Welch 2008, 5). Veld food is a vital element of household caloric intake due not only to the cultural preference for such food among many San groups, but also to the fact that Conservancy members can gather such food free of cost. One respondent had the following to say about the potential impact of the farms on the ability to access veld foods:

If the government is going to put the farms north of the C44 road, that is where there is the most veld food. It is where I go most often with my family for food. If that area turns into farms then we will not go there anymore to look for food. We will be scared because it will be a private farm. It will belong to someone else and we cannot just go in there and get veld food. It will be trouble. You will find people fighting over the veld food that is there on those farms. The farms will bring hunger and fighting among the people who need the veld food to survive. (R25-7 21.01.08, Mangetti Dune, translation by F.G.)

Other respondents who reported that the farms would have a negative impact on their ability to collect and consume veld food suggested that the private nature of the farms would lead to conflict between those who were allocated a farm and those who may be looking for veld food in the areas adjacent to the farms. Many such people explained that they feared being accused of cattle theft or of stealing veld food or crops from farming units while looking for veld food nearby. Many opponents to the farming scheme predicted that one result of the implementation would be that many San people would be put in jail as a result of such accusations of theft and trespass. Opponents of the farming scheme argued that the loss of access to veld foods in the northern part of the Conservancy as a result of the implementation of the scheme would lead to increased competition for resources in the southern part of the Conservancy. They stated that the farms would mean that people would be forced to seek veld foods in areas used by cattle keeping groups as pasture. Hitchcock (2009) reports that cattle often eat the same veld products as people do.

Species Name	Portion Used by Humans	Importance	Portion Used by Cattle	Forage Rating
<i>Acacia erioloba</i> (Camel Thorn)	Gum	Slight to moderate	Forage	Poor to intermediate
<i>Acacia erubescens</i> (Yellow-bark Acacia)	Gum	Slight to moderate	Forage	Poor to intermediate
<i>Acacia fleckii</i> (Sand-veld Acacia)	Gum	Slight to moderate	Forage	Poor to intermediate
<i>Acacia giraffae</i> (Giraffae Acacia)	Pods, gum	Slight to moderate	Pods and seeds	Poor to intermediate

Species Name	Portion Used by Humans	Importance	Portion Used by Cattle	Forage Rating
<i>Acacia mellifera</i> (Blackthorn)	Gum	Slight	Forage	Poor to intermediate
<i>Acacia tortilis</i> (Umbrella-thorn)	Gum	Slight to moderate	Forage	Poor to intermediate
<i>Bauhinia esculenta</i> (Marama Bean)	Fruit and tubers	Great	Forage	Good
<i>Bauhinia macrantha</i> (Rag Bush)	Beans and root	Great	Forage	Good
<i>Boscia albitrunca</i> (Witgat)	Berries, leaves, fruit	Slight to moderate	Forage	Good
<i>Citrullus naudinianus</i> (Gemsbok Cucumber)	Fruit (melon)	Great	Forage	Good
<i>Combretum spp.</i> (Varriable Combretum)	Gum	Slight	Forage	Good
<i>Cucumis spp.</i> (Bush Mellon)	Fluid and bulb	Moderate	Forage	Intermediate
<i>Grewia avellana</i> (!Shoba (!Kung))	Fruit	Moderate to great	Forage	Good
<i>Grewia bicolor</i> (Fasle Brandy-bush)	Fruit	Moderate to great	Forage	Good
<i>Grewia falcistipula</i> (Mulomolomo)	Fruit	Moderate	Forage	Good
<i>Grewia flava</i> (Velvet Raisin)	Fruit	Great	Forage	Good
<i>Grewia flavescens</i> (Sandpaper Raisin)	Fruit	Moderate to great	Forage	Good
<i>Grewia retinervis</i> (Mupundu)	Fruit and seeds	Great	Forage	Good
<i>Terminalia sericea</i> (Silver Cluster Leaf)	Leaves	Moderate to great	Forage	Intermediate to good
<i>Vigna dinteri</i> (Vine Potato)	Tubers	Great	Forage	Good

Fig. 7.1: Veld Products Consumed in the N꞉a Jaqna Conservancy (Adapted for N꞉a Jaqna Conservancy area from Hitchcock 2009 10; Curtus and Mannheimer 2005 and personal observation, 2003–2009).

The implementation of the farming scheme in the northern part of the Conservancy would negatively impact the trophy-hunting contract that the Conservancy signed with Eden Wildlife Trust. If the trophy-hunting contract were to be terminated, it would be detrimental to the food security of the Conservancy membership. Under the agreement, meat is distributed to all villages of the Conservancy through a rotational scheme. Trophy hunters sometimes take the heads of animals that they have killed but leave the rest of the animal where it was shot, as the bulk of the meat of animals is of little or no interest to the trophy hunters. The large amount of meat that is left by the hunters is consumed by Conservancy members. When animals are hunted, the Conservancy is contacted and the location of the carcass is communicated. The Conservancy office then coordinates with the trophy hunting contract holder and the MET to collect the meat left over from the hunt. The meat is butchered and transported to the villages for consumption. The distribution of the meat at the village level is conducted by the local members of the TA and the Conservancy Committee members. The distribution of meat from trophy hunting is commonly mentioned by the Conservancy members as an important source of protein and a tangible benefit of Conservancy membership.

Conservancy members pointed out the farming units could negatively impact local food security in the future by lowering the number of game animals available for Conservancy members to hunt under what is referred to as own-use quotas. With game populations increasing as a result of introduction and management, the Conservancy membership has the ability to allocate defined numbers of individual species for hunting by Conservancy members for their own consumption. The number of animals allocated to the membership is negotiated between the Conservancy Committee, the TA and the MET at annual or semi-annual meetings. The quotas given to the Conservancy for trophy hunting and own use hunting are based on game counts conducted by the MET and the Conservancy, the game numbers projected out of the event books maintained by the Conservancy game guards, aerial surveys of game population and information provided by the Conservancy membership. The quotas are also dictated by the management aims of the Conservancy. Since the establishment of Ntja Jaqna in 2003, the Conservancy has worked with the MET to increase the number of game in the Conservancy area. The quotas that the Conservancy has received for game animals have gone primarily towards filling the Conservancy commitment to provide animals for trophy hunting. The Conservancy leadership and membership were optimistic that the own-use quota will increase along with sustainable game populations.

The implementation of the farming scheme could also have negative impacts on the health of Conservancy members. Several residents stated that the implementation of the farming scheme could have a negative effect on their ability to collect veld products used

in traditional healing practices. Such resources are particularly important for many San-speaking peoples who combine such practices with occasional trips to the few clinics found in the Conservancy. The importance of such medicines for residents of some villages located outside of walking distance to these clinics should not be underestimated. While the direct use of such traditional medicines is beyond the scope of this study, it should be noted that 78 percent of those I interviewed mentioned that they make at least occasional use of such products.¹ The area that is proposed for the farming scheme holds many of the natural resources used in such practices. A 1995 Ministry of Lands study of land use in what is now the Conservancy area noted that more than 82 percent of households in the Conservancy used some form of traditional medicine found in the veld (the 4 percent decrease in reported use of traditional medicine could be explained by the increase percentage of non-San residents in the Conservancy area since 1995). The authors made reference to the “utilization and detailed knowledge of medical plants” (Botelle and Rhode 1995, 98). The same report recommended that “the importance of traditional healing practices should be recognized and incorporated into the modern health programs and community development projects generally” (ibid.).

The loss of access to one particular medicinal plant via farm establishment could have a profound impact on many households in the Conservancy. The collection and processing of Devil’s Claw (*Harpago phytum*) is the primary means through which many San-speaking households obtained cash income. The Conservancy also relied on the proceeds from the sale of Devil’s Claw for income to support Conservancy administration and developmental projects. Many opponents to the farming units objected to the loss of access to naturally occurring Devil’s Claw that has been harvested in the area demarcated for the farming scheme proposed by the government. Many harvesters who have taken part in the commercialized harvest of Devil’s Claw feared that the implementation of the farms could lead to conflict between harvesters and farm owners over this economically valuable and culturally important resource. One harvester who had been assigned to harvest in the area north of the C44 road in the past had this to say on the issue of the loss of access to Devil’s Claw:

That is the side (north of the C44), where we are always going to harvest the Devil’s Claw. If the farms come and you go into someone else’s farm to harvest then that will be a problem... It is like the government is taking away my living and giving it to someone else... They are taking the little I have to do for my family away from me. (R25-8, 21.01.08, Mangetti Dune, translation by F.G.)

¹ I asked 114 people who were part of a stratified random sample “How often do you make use of veld medicines that you or someone else harvested in the Conservancy area?” Of those 114 people, 88 people (78 percent) reported at least occasional use of such resources.

The potential for the farming units to harm the ability of the Conservancy and its members to generate income from the management and use of natural resources was in the forefront of many people's minds. This is due to the fact that the area where the government intends to create the farming units is a Core Wildlife Zone according to the Zonation Plan of the Conservancy. As such, it is an area that had been set aside for the conduct of trophy hunting activities by the Conservancy's trophy hunting contract holder. The income from trophy hunting was the single largest source of income for the Conservancy. As such, much of the membership and leadership were deeply concerned about the potential of losing this reliable source of income if the farms were to be implemented. One concerned Conservancy member had this to say about the potential for the farming units to have a negative effect on Conservancy income and relations with donors and private sector partners:

These farms will seriously harm our ways of making money for the Conservancy. The money of the Conservancy is to the benefit of all the members. These farms will only hurt us here. We signed a ten year contract with Eden and it is working well. We were told that at the last AGM that the Conservancy is using the money from the Eden for good things. The government is poisoning our good relationship with Eden by bringing the farms here. (R25-31, 25.02.08, Kano Vlei, translation by F.G.)

The above statement is indicative of a common feeling among detractors of the government's farming unit proposal. It was feared that the implementation of the scheme would have a detrimental effect on Conservancy relations with their current donors and future donor investment in the area.

Conservancy members also worried about the impact that the farming scheme would have on the emerging Community Forests. Under the National Community Forest Program, supported by the German Development Agency, the membership of Ntja Jaqna applied for the entire Conservancy area to be designated as a community forest. Such a designation would allow the Conservancy membership to benefit economically and socially from the use and sale of forest products managed by an augmented Conservancy Committee. The area proposed for the development of farms plays host to the majority of economically and socially valuable stands of wood. A Ministry of Lands study highlighted the value of forests in the Conservancy by calculating an exploitable timber total of 60,000 cubic meters of kyat, dolfwood (*Pterocarpus anglonesis*) and Rhodesian teak (*Baikiaca plujunga*). According to the study, such a volume would provide a sustainable yield of 600 cubic meters per year (Botelle and Rhode 1995 95). Kyat and Rhodesian teak are some of the most valuable types of wood found in southern Africa, and are in demand on international markets for producing high-quality furniture. In addition, other wood types that could be exploited commercially, such as Sanderling (*Burkea africana*) and the Ordeal Tree (*Erythrophleum africana*), are present

in significant stands in the northern part of the Conservancy. Many feared that the collective ability of the Conservancy membership to benefit economically and otherwise from the forest resources of Nǃa Jaqna would be lost if the farming scheme were implemented in the Conservancy. Concerns among the San about the impact that the farming scheme would have on their livelihoods were often accompanied by concerns about the impacts that the farms would have on the social relations in the Conservancy area.

Cultural Change and Ethnic Conflict

A significant concern among those who opposed the implementation of the farming scheme was culture loss. One of the factors leading to widespread support for the Conservancy and its development plans was the view that by safeguarding and augmenting access to culturally important natural resources, the Conservancy would assist in inter-generational cultural transmission within San families. San members often spoke of game reintroduction as a vehicle for transmission of local indigenous knowledge related to edible and medicinal plants, and living with and utilizing game animals. One san-speaking Conservancy member shared this view:

If the area is turned into farms then our children and their children will not learn about the bush and how to live with the things from the bush like our fathers did. Those farms are a way that the government wants to destroy us as a people. I want my sons and daughters to know the ways of bush and the ways of San people. The bush and all that it has makes us San people, gives us life as San people. (R25-30,25.02.08, Kano Vlei, translation by F.G.)

Many San-speaking Conservancy members predicted that conflict between different groups of land and resource users would rise with the implementation of the farming scheme. There was a general perception that few if any of the farming units would be granted to local families. The San population had become wary of cattle keeping groups due to the largely negative experiences of those who had already come into conflict with livestock keepers. Some people feared that conflict between ethnic or tribal groups would increase if people from other parts of the country were settled in the Conservancy with livestock. One San elder described relations between San and non-San livestock keepers in his village in this way:

The thing is that there will be problems like what is happening here. We want to be with non-San people. We do not have a problem against other people. This is the new Namibia, not the time of apartheid. But, if you allow a non-San person to come and settle in the village with you then after two or three months it seems that he is the

boss. He thinks that he is the owner of the area. He makes decisions without thinking of the San people and the way that they are living and what they have to say... The people from outside do not respect the San and the ways that we live. How will they treat us if they have a fenced camp, then they are the owners and they will step on us? Kavango... We try to share and they take and take. Those farms are the door to the land and resources that we depend on. If the farms come, other people will walk all over us and take our land and lives. (R25-29, 25.02.08, Kano Vlei, translation by F.G.)

Complaints of beatings at the hands of livestock-keeping people were common among the San. The potential for ethnic violence was seen as real for many people who wished to see the government's farming scheme defeated. One San-speaking elder shared this fear:

C: What do you think about the farming units that are being proposed by the government?

R: No! No! No! About these proposed farms, we do not want them. We do not even want to hear about them. For instance, if I am coming to your farm unit and I want some veld food then you will use force and there will be a problem.... If you kill me or we kill or injure one another then our families and our communities will also be brought into a fight and the violence will continue.

The mind is strong for remembering such fights and they go on and on. It is better to avoid such problems. We can live together. That is why we worked together, San and livestock people to come up with the zonation plan for the Conservancy. That way our conflicts can be minimized between the different ways that we use the land. The cattle have their places and the game have their places and the veld food and Devil's Claw have their places. That plan was a careful one and all people had a say so that they can live from the land for now and tomorrow. These farms will upset the careful balance that we have created here with the help of the Conservancy and they will cause blood to flow. (R25-61, 05.03.08, Kankudi, translation by F.G.)

It was amidst these times of heightened fear of conflict with newcomers to the Conservancy area related to the proposed farms that the Conservancy and the membership learned of two other major claims to Conservancy lands that would bring new people and land uses into Nǀa Jaqna. The following section will examine these additional claims to land and resources used by the San.

Attempted Land Grabs by Non-State Actors

Local opposition to the farming units must be understood in the context of other attempts by non-local groups to alienate the San of Nǀa Jaqna from the land and resources on which they depend for economic, social and cultural reproduction. The first of these came to the attention of the Conservancy leadership in March 2008 when it was reported that members of

the Government's Veterinary Service had managed to get elected to the Local Development Committee (LDC) in Omatoko. This election was viewed as important as the Local Development Committee was set to become the primary avenue through which local proposals for development were vetted by the government for approval of government funding. Many San viewed the appointment of this government official as an example of attempts by wealthy newcomers to control the development process and to secure developmental resources for individual purposes that were not congruent with the collective aims of the San vis-à-vis the Conservancy structures. It was reported that this government official was to be allocated a plot of land in the Conservancy area to legitimize his appointment to the LDC. One of the Conservancy staff also recounted how he had been approached by the same government official and questioned about Conservancy plans for an area in the extreme south-west of the Conservancy, locally known as Driehoek. This area is in the southern Core Wildlife Zone according to the Conservancy Zonation Plan and was slated to host a high-value game camp for the breeding of buffalo and other economically important game. It was rumored that the government official, together with the !Kung Chief and members of the Farmers' Association, were "eyeing" the area for the purpose of establishing individually held farming plots (as it turned out, this was exactly what was being planned).

As rumors of new farms in the south of the Conservancy persisted, the issue was discussed at the 2008 Conservancy AGM. Under intense questioning from Conservancy leaders, the !Kung Chief uncomfortably stated that he had no knowledge of such a plan (Ntja Jaqna Conservancy 2008a 3). In fact, an application for right of leasehold of a large area in the southern Core Wildlife Zone, including the Driehoek area, had been approved by the same !Kung Chief and submitted to the Regional Land Board for consideration. The application was made in the name of a privately-held company: Giraffe Valley Farming Ltd. (hereafter referred to as GVF).

The 2008 Conservancy AGM instructed the Conservancy staff to investigate the matter of the GVF and their intentions in the southern part of the Conservancy. The Conservancy eventually obtained a motivation letter that had accompanied an application for land to the Communal Land Board. The letter was vague in purpose and scope of the project. It stated that the area that the project would use depended on the availability of water and grazing in the area. It stated that the !Kung chief had discussed the idea of developing the land with "his people where they all agreed to this area as nobody is using it" (GVF 2008). What the letter did make clear was that the intention of the company was to develop commercial farms in the Southern Core Wildlife area of the Conservancy on as much land as the availability of water would allow. It stated that "as many San families will be settled in these farms as possible" (*ibid.*). It did not say who else would work or live on these farms. It also

stated that there was an intention to build a game park to attract tourists. This also made the Conservancy nervous as the Conservancy had retained the right under the Conservancy Constitution, to vet any such ventures and have a stake in tourism development in the Conservancy area. The Management Committee decided to write to the Communal Land Board informing the body that they would not support any application by GVF for land in the Conservancy for the purposes of a farming project.

The letter from the Conservancy to the Communal Land Board stated that the Conservancy did not consent to any application from GVF and set out eleven reasons why this consent could not be given. These reasons mirror almost exactly many of the arguments against the government's own proposal for the establishment of farming units in the northern of the Conservancy (Ntja Jaqna Conservancy 2008e 1). This letter was not the end of the attempts by the company to secure lands in the Conservancy. In February 2009, two meetings took place involving the GVF. In the first, the Conservancy Chairperson was picked up in his village and driven to a meeting related to the GVF and the proposal to develop farms in the southern of the Conservancy. There, the Chairperson was asked to sign a memorandum of understanding between the company, the !Kung TA represented by the Chief, and the Conservancy. He refused this request on the basis of the decisions taken by the Conservancy AGM and the Management Committee when presented with the original letter of motivation (Personal Communication Edward !Xaire, 02.04.08).

The refusal by the Chairperson to sign the memorandum prompted another meeting in the Conservancy during which the Conservancy again asked for a more complete written project proposal for consideration. The Conservancy office also requested the Communal Land Board to share with the Conservancy any documentation that they had in regards to the proposed lease. The fact that these documents were not forthcoming from anyone associated with GVF is illustrative of the lack of good faith on the part of the company, the !Kung Chief and some of the tactics used by those wishing to alienate land and resources from the Conservancy. The documents pertaining to the GVF sent from the Land Board put the actual size at a much larger scale than the Conservancy had been told originally. The 5,000 hectares described by the GVF consultant at an earlier meeting was in fact 32,000 hectares (GVF 2009 3). It also became apparent the company had applied for a lease for these 32,000 hectares and that, while the project was being framed as a developmental project to benefit the San, farms would in fact be owned and operated on a commercial basis by the GVF Company (ibid.). It was only after receiving the documents from the Communal Land Board that the Conservancy fully understood that the Land Board had forced GVF to seek the Conservancy's consent to the approval of a lease for farming purposes in the Conservancy area.

Documents sent by the Communal Land Board to the Conservancy included letters outlining how the TA and the GVF were attempting to get around this requirement as they understood that consent would not be forthcoming from the Conservancy. In an undated letter that made reference to the Land Boards initial requirement that the GVF seek the consent of the Conservancy before the lease could be granted, the !Kung Chief suggested that “as the Chief I have consulted the people and under my authority, I have granted GVF the land for the farms” (GVF 2009 6). In the same letter, the Chief claimed that the land in question fell under his jurisdiction as the Chief of the !Kung but also that it was outside of the Conservancy area (ibid.). This statement made little sense to Conservancy leaders considering that the gazetted boundaries of the Nǀa Jaqna Conservancy were commonly understood to reflect the boundaries for the Administrative District of Tsumkwe West and the boundaries of the !Kung Traditional Community.

After understanding that the Communal Land Board was requiring the Conservancy’s consent as the area in question is in the Conservancy, that the !Kung Chief and the GVF company were attempting to represent the area as outside of the Conservancy, and that the GVF had some politically connected stakeholders in the form of government officials and the !Kung Chief, the Conservancy leadership feared that the lease might be granted without their consent at some point in the future (the Conservancy had already clearly stated in writing to the Land Board that they did not consent to a lease to GVF for farming purposes and yet meetings on the issue were still taking place). Thus, in June 2009, Conservancy leaders decided to apply for leasehold, in the name of the Conservancy, over the area in question. The leadership felt that this would make clear that the Conservancy had its own plans to develop the Driehoek area and the southern Core Wildlife Zone that encompassed the land in question (Nǀa Jaqna Conservancy 2009e).

The attempt by the GVF Company to grab land in the Conservancy had several elements in common with the attempt by the government to implement the farming scheme under the National Land Reform Program. There was a lack of any meaningful consultation from the GVF with the San communities and the Conservancy structures. The GVF attempt to grab land saw the terms of development in the Conservancy area defined by a small number of San leaders and private non-local interests. The GVF project represented attempts to pursue commercial development of lands that are in direct opposition to plans for the area in question as defined by the Conservancy membership. The GVF project included a total disregard for the San livelihoods that are based at least in part on the land in question. A very similar process of information control by non-San interests in the form of incomplete, contradictory, vague and untimely information flowing to the Conservancy leadership and membership is apparent in all cases. Both the government farming scheme and that of the

GVF involved attempts to challenge the Conservancy's legitimacy and competing claims over San community representation. In both cases, San lands were constructed by those attempting to control the development process as being undeveloped, empty and unused. In both instances, the environment of the Conservancy was constructed in such a way as to make it fit the development being proposed. In both cases, new farming schemes in the Conservancy area were being framed as being in the national interest.

As of July 2012, the Communal Land Board had not allocated a lease to the GVF or to the Conservancy for the land in question. However, the events described above had several important impacts. The attempts by a privately held company to gain control over a large area in the Southern Core Wildlife Zone of the Conservancy represented a significant challenge to the land and resource base of the Conservancy. These attempts also served as further evidence to those that opposed the government's farming proposal that San lands were under pressure in the southern part of the Conservancy as well as the in the North. It served to point out that such claims would continue to be made to Conservancy lands even if the farms were to be implemented in the north of the Conservancy by the government. The issue also served to place further strain on the relationship between the Conservancy and the !Kung Chief and came to be used as further evidence that the !Kung Chief no longer served the interests of the San. The events also helped to convince the Conservancy leadership and membership that the Conservancy had become the primary mechanism for protecting San access to land and resources. In addition to the attempts of the government and a privately held company two more incidents brought Conservancy lands under pressure.

The attempts by a Canadian-based religious group to develop an unspecified area adjacent to one of the Conservancy-operated tourist camps also came to be viewed by many San and the Conservancy leadership as another attempt to circumvent the Conservancy in developing Conservancy lands in a manner not congruent with plans for the area shaped and approved by the Conservancy membership. In early 2009, while two other threats to Conservancy lands and resources made in the name of development were on-going, a third threat materialized. The Conservancy office received reports of trees being cut and land being cleared in an area directly adjacent to the Omatako Valley Rest Camp.

What was being done in, or planned for, the area in question did not become clear until the 2009 Conservancy AGM. It was during this AGM that the Chief rose to announce that he had invited the Pilgrim Relief Society (a Canadian faith-based organization) to develop a number of projects on a plot of land. The head of the Farmers' Association then presented a vague plan for primary and secondary schools, a church, a seminary, a medical college and a hostel for students. It was also stated that livestock farming would take place at the site to provide income to support the projects. The plan was met with immediate opposition from

Conservancy leaders who stated that the area in question was too close to a sensitive zone in the Conservancy's Zonation Plan due to the proximity of the tourist camp. Others pointed out that it was not clear who would be involved in these projects and that the communities had not been consulted. In the end, the AGM decided that a full motivation letter for the project and further investigation was needed before the Conservancy would consent to the project (Nǀa Jaqna Conservancy 2009c 6). The involvement of the head of the local Farmers' Association and the !Kung Chief in the project further diminished support for the TA and the Farmers' Association in the eyes of many San leaders and members who saw this as an attempt by wealthy and powerful people to monopolize the benefits of the Conservancy's development.

While the intentions of the Pilgrim Society and the Farmers' Association for the area adjacent to the rest camp were being explored, fears of continued land grabbing in the Conservancy were further aggravated by events in the Nyae Nyae Conservancy. There, a group of 300 Herero-speaking farmers cut the veterinary fence and illegally entered the Conservancy. Confusion reigned, but, when the Jul'hoan Chief came out strongly against presence of the newly arrived Hereo-speakers and their livestock in this area of jurisdiction, many San residents of the Conservancy and Conservancy leaders worried that these people and their cattle would come to Nǀa Jaqna and attempt to grab land (For more on Herero attempts to grab land in Tsumkwe East and West see Bieseke and Hitchcock 2010; Botelle and Rhode 1995 35; Maletsky 2009a; Maletsky 2009b; Maletsky 2009c; Maletsky 2010; Shejavali 2009a; Shejavali 2009b; Weidlich 2009). Here again, Conservancy leaders faced claims to Conservancy lands and resources. A familiar pattern was emerging: incomplete and contradictory information flow into the Conservancy, a lack of consultation of San communities, the content and terms of development being dictated by non-local groups with the support of a hand-full of local leaders, disregard for Conservancy rules and plans, and disregard for San livelihoods based on tourism income and on the area's natural resources.

In this context of increasing claims to land and resources of Nǀa Jaqna, some Conservancy members continued to support the government's plans for small-scale farms in the Conservancy. The following section will examine the views of those that supported the farming scheme

Views in Support of the Government's Plan

Despite the concerns held by many that the farms and other proposed "development" projects would have a negative impact on the livelihoods, culture and environment of the San, some San-speaking Conservancy members joined non-San speaking members and residents

in support of the government farming scheme. These people were spread throughout the Conservancy. San supporters of the farming units were in the minority, representing less than five percent of the San-speaking membership of the Conservancy that were interviewed for this project². The reasons that they gave for their support of the proposal were of an economic and social nature. All of the San that spoke in support of the farming units have had some experience with farming in the past. This experience was sometimes gained as employees of non-San farmers in the Conservancy area but often as a result of forays outside of the Conservancy area to the commercial farming areas in and around the Grootfontein District or the Kavango region bordering the Conservancy to the North. These supporters felt that given their experience with farming, they could be successful if granted a farming unit by the government. San supporters of the government plan also pointed out that fencing off farming units would help to mitigate human-wildlife conflict as the fences would protect livestock from predators. One vocal San-speaking supporter of the farming scheme said this:

I think it is a good idea if the farms belong to the San. Most of us do not have any livestock but if there is someone like the government helping us with some animals then it is good. The fences will keep the livestock in and the predators out... Us San, some of us grew up on the farms of white people and we know how to take care of the engines and we know how to care for the animals. I want to make money on my own farm. That is not a crime. Like now, I will never qualify for a loan to buy a big farm on the other side of the Red Line. This proposal of the government may be my only chance of getting a farm of my own. I do not want to say that others in my community are not right in opposing the farms. It is not good for them. But it could be good for me. (R25-32, 26.02.08, Rest Camp, translation by C.W.)

The !Kung Chief and some of his Senior Councilors had come out strongly in favor of the government's proposal to implement individual commercial farming units in the Conservancy. The Chief in particular, faced the brunt of anger felt by many of his subjects who had difficulty understanding his position vis-a-vis the farms. A Conservancy leader voiced a common opinion when he suggested that the Chief was benefiting financially from his support of the farms: "When this so-called Chief came to this area he was a business man. Now he is here only to make business with the lands of the San people" (R25-52, 03.03.08, Mparara, translation by F.G.).

Friedman (2005) points out such feelings among Namibians about traditional leaders are not uncommon and asserts that politicians, political parties and Ministries "can use the

² 87 out of 114 people I interviewed self-identified as San-speaking and less than 5 percent or 4 San-speaking respondents said that they supported the government's farming proposal.

TA's washing machine to cleanse their own respective political interests" (Friedman 2005 49). Further, it is common for the national government to legitimate their position and garner support for their actions by courting traditional leaders. In such situations (as with the government's proposal for the farms in Nṭa Jaqna), the state asserts the power of the TA to speak for their subjects and in the process:

...the (traditional) leaders do the work of the State and these national interests by customizing politics-lacquering politics with a coat of tradition...by maintaining the façade of apolitical traditional leadership...State functionaries and traditional leaders reciprocally assimilate the roots of power and authority. (ibid., 139)

The government's proposal for farming units in the Conservancy served to divide the Conservancy membership among those who opposed the project and those that supported the plan. The following section will examine these processes in more detail.

The Divisive and Unifying Effects of the Government's Proposed Farms

The government's proposal can be seen as being divisive. It has served to alienate the Conservancy leadership and the majority of the membership from the government after a period of improved relations and understanding. It has served to further deepen frustration and mistrust between the farming and non-farming communities in the Conservancy, and in some cases has pitted farm supporters and detractors in the same family against one another. However, the experience of the San-speaking membership with the processes related to the farming proposal can also be viewed as a unifying mechanism.

The collective experience of the San in dealing with the proposal has had several important impacts on the membership and has galvanized the San-speaking membership together across vast distances, generations and language barriers. It has given rise to a collective understanding of what is at stake, as well as generated vigorous debate and consideration of a number of issues. This has resulted in a collective vision for the Conservancy as emerging in opposition to the government and much of the local livestock keeping community. The difficulties that the Conservancy faced in the struggle over the terms of development have given strength and unity of purpose to the membership. This augmented sense of purpose invigorated efforts to oppose the farms via the Conservancy structures.

The Conservancy AGM (the highest decision-making body of the Conservancy) gave the Conservancy Management Committee and staff a strong and clear mandate to halt the implementation of the government's farming scheme in Nṭa Jaqna. The Conservancy leadership attempted to do this through a number of avenues. The Conservancy provided the San membership with a structure through which their collective voice can be heard. In

this manner, the struggle over the farms (re)positioned the Conservancy in representative competition with the local TA and Farmers' Association. As the Conservancy attempted to build a coalition of support for its position, the structure of Nǀa Jaqna provided local access to a number of linkages and connections with the outside world. These linkages allowed for an increased access to information and facilitated the flow of legal expertise and experience into the Conservancy. Political and monetary support for the Conservancy has been provided by a number of donors who have become stakeholders in the area's development via the Conservancy structure. The government's proposal has helped the San of the area to engage with the Conservancy structures in the production and (re)definition of developmental objectives and plans. The Conservancy has come to represent a sort of toolbox that is now being skillfully employed to navigate the challenges that the Conservancy faces and in facilitating actions to safeguard San access to land and resources upon which collective developmental, social and cultural aspirations are based.

Conclusion

This chapter has explored the various bodies and groups that have attempted to assert control over the terms of development in the Conservancy. The manner in which the viability of the government's plan came to be questioned by the San has been explored. It has also highlighted the potential impacts of these units as perceived by members of the local San communities. The chapter has examined how farms have come to represent a serious threat to the food security of San families, and how San livelihoods and health could be diminished. The loss of San access to economically, socially and culturally important resources as a result of the implementation of the farming units has been expressed largely in the words of the San themselves. Opinions in support of the farms have been explored. The potential for an increase in the pace and scope of cultural change in and between San and non-San groups has been highlighted.

Non-state led attempts to take control of lands in the Conservancy have been outlined and their impact on San attitudes towards the government's plan and the Conservancy explained. A pattern has been established which runs through all the attempts by non-local groups to alienate Conservancy lands and resources from San control. The extent to which the San of Nǀa Jaqna are able to counter these claims to Conservancy lands and natural resources made by elements of the Namibian state, the private sector, and an international NGO remains to be seen. However, what is clear is that through and as a result of these claims, the San of Nǀa Jaqna have repositioned the Conservancy as a set of institutions in a web of relations spanning the globe that is used to safeguard San access to and inter-

ests in land and resources of the area. The Conservancy is now being used by the San to meet collective challenges, to solve collective problems and disputes. At the same time, the Conservancy has become the avenue through which San claims and counterclaims to development, land and resources are projected onto the national and international stage. The Conservancy now serves as the nexus through which San understandings and positions are shaped, conceptions of development are formed, and new forms of community and leadership are constructed.

8 Conclusion

The examination of Nǀa Jaqna and its people presented in the preceding pages speaks in a somewhat simplified way of a complex and continually evolving reality. The preceding work makes a contribution to the ever-growing and evolving body of work related to indigenous issues in Africa and across the globe. It is intended to be of interest to those concerned with the future of Africa's indigenous populations and the mechanisms and institutions that may provide these populations a greater foothold in the state and avenues through which to navigate and shape modernity. This also represents a contribution to the body of work concerned with the study of protected areas and the modalities through which conservation and indigenous interests come together. This work aims to make a scholarly contribution to the study of the San of Southern Africa and Namibia, in particular. It attempts to fill a gap in the literature on the history, environment and peoples of Tsumkwe District West. It is also intended to shed new light on the potential for CBNRM to provide not only economic and conservation outcomes for resource users, but also to foster positive social and political change. Scholars of land reform in Africa and other regions of the world will find the discussions of the Namibian reforms to be of interest. In this final chapter, I wish to offer some reflections and to summarize some of my findings.

In the span of just a few generations, the San populations and environments of Nǀa Jaqna Conservancy and Community Forest have undergone a vast amount of change. Initially, the presence of the South African administration altered the ways in which San populations engaged with their environment and the relationship the San had to the resources of the Conservancy area. Successive colonial policies served to alienate control of lands by San populations, impacting settlement and economic patterns in the area. Over time, this led to a decline in hunting and gathering practices, and a growing dependence by the San on employment and administrative aid in the form of food. Furthermore, the San experienced the impacts of militarization of the Conservancy area and attendant shifts in populations that arose as a result in the 1970s and 1980s. The San have been adept at adjusting to and shaping these changes. For many San who came to the Conservancy during this period, Conservancy structures have become a tool used to (re)establish ties to a land-base after the disruptions and destruction of war. However, the involvement of some members of the Conservancy with the South African military has influenced government attitudes towards all the San of Nǀa Jaqna which continue to undermine their ties and claims to the land.

The establishment of the Conservancy has come about as a result of historical process and San experiences with development interventions prior to, and the years following, Na-

mibian independence. San involvement with failed interventions by various governmental and non-governmental bodies aimed at establishing a farming economy in the Conservancy area has been shown not only to have given impetus to efforts at establishing the Conservancy, but also to have had a continuing impact on attitudes toward governmental interventions and claims to land and resources of the Conservancy. I have explored the ways in which the Conservancy has emerged as the primary point of contact between the San and local, national, and international processes that have shaped Nǀa Jaqna's past and visions for the future.

The San of Nǀa Jaqna have increasingly come to view themselves as members of a global indigenous community. The implementation of CBNRM in the Conservancy has established a number of conduits through which indigenous rights discourse flows into, through, and out of Nǀa Jaqna. It has given impetus to the fostering of new relationships and connections between the San in the Conservancy and a new set of allies in their struggle to maintain and augment cultural, political and resource rights. Performance and talk of indigenous identity has allowed the San of Nǀa Jaqna to make use of a common language and understanding shared by NGOs and international bodies, as well as donors. The deployment of such indigenous identity has allowed the San to make use of the external capacities of these groups and to gain from technical advice and financial assistance. Framing the challenges that the San face as those of indigenous peoples has also provided political capital that has been deployed in the operation of the Conservancy as a framework for social, economic and political empowerment. Claiming an indigenous identity, as well as cultural and resource rights based on such an identity, has been one in a set of strategies pursued by the San of the Conservancy in efforts to establish and safeguard rights over land and input into the development processes that affect them.

Like other groups of indigenous peoples across the continent, the San of Namibia have had difficulty in asserting their indigenous rights in the face of refusal on the part of the national government to recognize any particular group of citizens as indigenous with additional rights to land and resources based on indigeneity. However, the engagement of the San of Nǀa Jaqna with the international indigenous peoples' movement has provided new opportunities for expression of indigenous identities in international forums and has fostered new understandings about such an identity in the Namibian context. While an indigenous identity is being fostered among some groups of Conservancy members, the position of indigenous rights remains weak on the national level. The San have gained strength from their engagement with the international indigenous rights movement. They have proven adept at establishing multiple and concurrent alliances with members of the movement and evoking multiple identities in various contexts. Claiming an indigenous identity has

not precluded the San membership from framing issues related to collective development in terms of poverty, human rights or as citizens of Namibia. Involvement with the indigenous peoples' movement is one in a set of strategies that has been employed by the San of N-a Jaqna as they have navigated and engaged with multiple legal frameworks, discourses, challenges, and opportunities in the pursuit of secure land and resource rights as a basis for pursuing their own paths toward improving their lives. As civil society within and outside of Namibia continues to work with the Namibian government to bring about meaningful recognition of indigenous rights, the San have developed their own representative leadership structures to facilitate San input into the policies that affect them. San involvement with indigenous rights institutions at the international level is bringing pressure to bear on the Namibian government to take positive steps towards adherence to international standards on the rights and treatment of indigenous citizens of Namibia.

Namibia has now established itself as a world leader in CBNRM through its adoption of the Communal Area Conservancies Programme as a primary framework for poverty reduction and biodiversity promotion. Having experienced the successive failures of colonial and post-colonial developmental interventions in their area, and the limitations of pursuing indigenous rights to land and resources, the San of Tsumkwe District West have turned much of their attention and energies towards realization of collective goals via the Nǀa Jaqna Conservancy. The manifestation of the CBNRM framework in Namibia has been explored, as have debates and critiques that have accompanied the establishment of the framework in the Southern African region. CBNRM was entrenched in Namibian policy making and political circles as a primary means to achieve the dual goals of conservation of state-owned resources and a desire to effect economic diversification of rural livelihoods in the communal areas of the country. In the face of criticisms of the framework and examples of the many challenges encountered in the implementation of CBNRM, the number of communal areas applying for Conservancy status continues to rise in the country. Despite consistent representations of the utility of the framework for the state and "the national interest," both the government and those communal area populations engaging in CBNRM via the Conservancy framework have their own reasons for, and ways of engagement with, conservancies. Economic and environmental benefits have come to be complemented by social, political and cultural empowerment as CBNRM has taken on a particular form and practice in Nǀa Jaqna.

Much of the existing literature related to CBNRM has focused on the efficiency of the framework in fostering positive conservation and economic outcomes. This literature has examined the ability of CBNRM to offset the costs of conservation incurred by the state and localized groups of resource users. This study has moved beyond such questions in explor-

ing the extent to which the implementation of CBNRM has given rise to environmental, social, political, and institutional transformation in Tsumkwe District West. It has explored a number of themes emanating from discourses surrounding CBNRM as a framework for local development. The experiences of the Conservancy membership in planning for and establishing the Conservancy structures reflect many of the challenges shared by other San groups in Namibia. The picture that has emerged is one of the San not as simple recipients of governmental programming or as passive victims of social, economic and political marginalization, but rather, as active participants in a complex, politicized, and contested developmental process.

Commonly held understandings of the nature of community employed by the conservancy framework and its proponents have been questioned as newly emerging forms of “community” and local conceptions of belonging in the Conservancy have been explored. The ways in which the membership of the Conservancy have engaged with boundary-making and changing understandings of the Conservancy landscape have been examined. The establishment of the Conservancy has reordered the environment and its resource base. Human interaction with the environment has come to be debated, understood, and represented in new ways via the participatory planning and mapping processes that have taken place. The forms of empowerment of local resource users via participation in CBNRM as practiced in Nǀa Jaqna have been accessed. In establishing their own resource-governance institutions and new forms of decision-making, the Conservancy membership has drawn on a set of customary practices that have been given new form and expression. These structures and practices have been designed to meet current challenges and in anticipation of future developments. The establishment of CBNRM and the particular form that it has taken in Nǀa Jaqna have helped to realign local, regional, and national-level power-dynamics.

The challenges encountered by the membership of the Conservancy in implementing Conservancy institutions, governance structures, and programs have demonstrated that forms of leadership and decision-making are changing in Nǀa Jaqna. The Conservancy Committees have been largely successful in establishing the structures necessary to ensure that the Conservancy leadership is representative and accountable to the membership. It has also been successful in establishing internal and external sources of funding for its operations and has proven its ability to deal with the distribution of benefits accruing from CBNRM activities in a fair and equitable manner. In devising strategies designed to meet ongoing challenges and the demands of operating in the national arena, the people of Nǀa Jaqna have developed unique and flexible structures that have allowed them to have a strong voice in resource management.

The land issue in Namibia is complex and encompasses a number of inter-related issues. Calls for social justice are interwoven with attempts to provide the country with economic security and equality through economic empowerment in the post-apartheid state. Improving agricultural performance and effecting redistribution of land under both freehold and communal systems of tenure presents a monumental challenge to the national government. Failure to do so could lead to instability in a country marked by great economic disparities. The national Land Reform Program also presents a number of challenges for the San of Nǀa Jaqna as they pursue collective goals via the Conservancy structures. National debates related to the pace and content of land reform and machinations surrounding the implementation of programs have ongoing implications for Nǀa Jaqna and the national Communal Area Conservancy Programme. The failure of the National Land Reform Program at the national level to distribute commercial land to previously disadvantaged Namibians has led to government claims to land in the Conservancy area. Land reform has not only failed the San as previously disadvantaged Namibians, but now threatens the sustainability of their Conservancy and the hard fought gains of the membership.

Access to, and control over, land remains a central issue for the San across Southern Africa and the membership of Nǀa Jaqna as a whole. In exploring how debates surrounding the land reform process have played out, the impacts of these processes on the Conservancy have been brought to the fore. The inability of the reform program to meet the needs and expectations of many landless Namibians has contributed to the influx of settlers into the Conservancy in recent years. This influx has given rise to a host of problems that the membership and leadership struggle to contain and counter on a daily basis. The localized and regional institutions of the !Kung Traditional Authority and the Otjozondjupa Communal Land Board, being entrusted with the power to allocate land in the communal areas, have largely failed to serve the San. It is in this context that the Conservancy has emerged as a localized structure to which the San have turned to safeguard their rights to land and resources outside of, and sometimes in opposition to, national land reform processes. The Conservancy now serves as the primary tool used by the San membership to maintain access to land and resources as well as to counter a variety of serious problems created in part by the very same Land Reform Programme that has systematically excluded them.

The land and resource base of Nǀa Jaqna has increasingly come under claim by a number of non-San groups. This work has demonstrated how San claims to land and resources in the Conservancy have been aggressively contested as non-members assert their own claims to lands in the Conservancy on a number of different bases. The Conservancy has provided the San membership with new possibilities for safeguarding rights to land and resources and an avenue through which to pursue development on their own terms. This

study has explored how claims and counter claims to land and resources of the Conservancy, often made in the service of development emanating from outside of the Conservancy, have played out on the ground and in the national arena. In providing detailed accounts of how state-sponsored claims on Conservancy resources unfolded, the actions and reactions of the San of Ntʼa Jaqna have been explored. The San memberships' engagement with the multi-directional discourses related to development has been highlighted. Development has been examined at the level of practice, as lived experiences of the San in Ntʼa Jaqna. San constructions and understandings of, as well as resistance to, external attempts to define development have been explained from the perspectives of the Conservancy membership and its leadership.

Examining the claim of the government to a large area of the Conservancy for the purposes of redistribution has revealed a process fraught with tension that involves conflicts between differing visions of development, between different groups of resource users and between the Conservancy and members of the !Kung Traditional Authority and the local Farmers' Association. This has led to representatives of various local and national organizations claiming the right to represent the residents of the Conservancy, their interests, and their views. Ways in which information is manipulated, deployed, and withheld in the development process have been explored. At the same time, the manner in which such conflict and contestation has brought segments of the Conservancy population together and given rise to new local forms of identity as members of Ntʼa Jaqna have been examined.

In exploring local views of the government's proposed small-scale farming scheme in the Conservancy, a number of assumptions on which the proposal is based have been challenged. Additional claims to land and resources made by internal and external non-governmental groups have been examined and the extent to which these claims have impacted local attitudes toward the government's scheme has been assessed. Many of the most daunting challenges currently facing the San in the whole of Namibia have become apparent in the discourses and actions of San and non-San actors in relation to the farming scheme. Local manifestations of claims and counter claims related to the government's proposal underscore competition over access to land and resources, struggles over the definition of development, threats to livelihoods and health, leadership debates and social, economic, environmental, and cultural changes that the San of the country confront as citizens of Namibia. At the same time, debates and actions surrounding the small-scale farming scheme demonstrate the potential opportunities and tools that Conservancy structures provide the San and other communal area inhabitants in meeting these challenges.

As the San of Namibia continue to be marked by poverty and marginalization, there remains a practical and ethical basis for taking concrete steps to address their status in

Namibia and the Southern African region. Maintenance of the status quo or a lack of meaningful steps to promote positive change on terms that the San themselves contribute to and can accept will result in an increasingly-impooverished and dependent San population. It is beyond the scope of this work to recommend a detailed plan of action for improvement of the San's status. This study has demonstrated that the San of Nṭa Jaqna have proven to be capable of identifying challenges and solutions to the problems that they face. The findings presented herein suggest that the reform of the land distribution program should include concrete measures to establish meaningful consultation and participation of indigenous groups and respect of locally defined Conservancy structures and activities. Support should be given to the Conservancies and local Traditional Authorities to work with the Communal Land Boards in taking action to remove illegal fences that disturb human livelihoods and the well-being of wildlife in the communal areas. Additional support should be given to locally-driven Community Forestry initiatives so as to augment the rights of communal area Conservancy residents to utilize plants and other resources in socially, environmentally, and economically responsible ways. Another possible avenue to strengthen the role of Conservancies in fostering positive change is the potential for Conservancy members to capture additional benefits through engagement with emerging payments for ecosystem services schemes. Such schemes are intended as a system through which users and consumers of environmental benefits compensate those who incur costs in producing them (Naidoo et al. 2011 445).

The future of Conservancy and Community Forest remains uncertain in the face of external claims to land and resources on which the San rely. While not being entirely in control of their own destiny what is certain is that the San membership will continue to utilize a number of frames in engaging with issues important to them. They will continue to perform multiple identities and foster the development of new ones as active participants in shaping their own development and the contours of change.

Acronyms

AGM	Annual General Meeting
ANC	African National Congress
CBNRM	Community-Based Natural Resource Management
CCP	Communal Conservancy Programme
DEA	Directorate of Environmental Affairs
DED	German Development Service
DRM	Directorate of Resource Management
ELCN	Evangelical Lutheran Church in Namibia
FA	Newe Farmers' Association
FNLA	National Front for the Liberation of Angola
GVF	Giraffe Valley Farming Limited
ICEMA	Integrated Community-based Ecosystem Management Program
IFAD	International Fund for Agricultural Development
ILO	International Labour Organization
IRDNC	Integrated Rural Development and Nature Conservation
IWGIA	International Work Group for Indigenous Affairs
KfW	KfW Development Bank
LAC	Legal Assistance Centre of Namibia
LDC	Local Development Committee
LWF	Lutheran World Federation
MET	Ministry of Environment and Tourism
MLRR	Ministry of Lands Resettlement and Rehabilitation
MPLA	Popular Movement for the Liberation of Angola
MUP	Management and Utilization Plan
NAMAS	Namibian Association of Norway
NDF	Namibian Defence Force
NGO	Non-governmental organization
NNDFN	Nyae Nyae Development Foundation
NNF	Namibia Nature Foundation
OAU	Organization of African Unity
PLAN	People's Liberation Army of Namibia
SADC	Southern African Development Community
SADF	South African Defense Force
SWAPO	South West African People's Organization
SWATF	South West Africa Territory Force
SYL	South West Africa Peoples Organization Youth League
TA	Traditional Authority
TNC	The Nature Conservancy
UN	United Nations
UNDP	United Nations Development Program
UNICEF	United Nations Children's Fund
UNITA	National Union for the Total Independence of Angola
UNTAG	United Nations Transitional Assistance Group
VSO	Voluntary Service Overseas
WGIP	Working Group on Indigenous Populations
WIMSA	Working Group of Indigenous Minorities in Southern Africa
WIPO	World Intellectual Property Organization

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Timeline of Developments in Tsumkwe West and Surrounding Area (Adapted from Hitchcock 2012; Bieseke and Hitchcock 2011; Botelle and Rhode 1995)

1850's	First encounters with Ju'hoan San recorded
1863–1870	Nama Herero wars, northward expansion of Hereros into Nyae Nyae area
1884	Namibia is established as a German Protectorate
1890	Germany annexes territory of South West Africa (now Namibia)
1896–1897	Rinderpest epidemic affects wildlife and livestock populations in Namibia and Botswana
1904–1907	German Herero War, the first genocide of the Twentieth century, results in substantial livestock loss and the movement of at least 6000 Herero into Botswana
1911–1915	Police Zone established in Northern Namibia. San groups attacked by German Troops and settlers, San men being forced into labour as a response to the “Bushmen Problem”
1915	Germany cedes territory of South West Africa to South Africa
1922	South African administration establishes Native Reserves in South West Africa
1949	Commission for the Preservation of the Bushmen appointed
1951–1958	Marshall family undertakes expeditions into Nyae Nyae
1959	C.V McIntyre established administrative post at Tsumkwe
1961	First borehole drilled at Tsumkwe, resulting aggregation of people in Tsumkwe
1962	Dutch Reformed Church Mission school established at Tsumkwe
1964	Odendaal Commission Report on South West Africa
1965	Goats introduced and sold to Ju'hoan, Nine full-time jobs in Tsumkwe
1966	Botswana-Namibia border fence erected. Namibian war of independence begins and lasts until 1988
1967	First Ju'hoan Rada (council) formed. Ju'hoan purchase horses primarily used for hunting
1968	Tuberculosis mortalities high. All weather road completed between Grootfontein and Tsumkwe
1969	Nine out of twelve settlements around Tsumkwe have goats and 10 have gardens
1970	Bushmanland proclaimed. Infrastructure improved: new roads, administrative complex, new school, location for “black” employees, store and bottle store opened, seven-fold increase (from nine employees to sixty eight) in menial employment for Ju'hoan
1978	SADF begins recruiting and training operations in Bushmanland. Democratic Turnhalle Alliance (DTA) supports Bushman Rada with salaries. Three locations for Ju'hoan built in Tsumkwe which rapidly become rural slums. UN Security Council Resolution 435 passed, outlining a cease-fire to hostilities in Namibia and UN supervised elections

- 1980 Eight army bases established in Bushmanland. One hundred and fifty Ju'hoan soldiers enlist in the east and 350 Vasekele soldiers in west. Population of the west is now 3 500. First Ju'hoan groups (re)-establish three N!ore settlements
- 1981–1983 Cash economy overtakes many attempts at self-sufficiency: of twenty nine settlements now within a one-mile radius of Tsumkwe, only four maintain family gardens, four out of 30 cattle owners milk cows, no milking of the few remaining goats. Groups of Ju'hoan re-establish rural communities with livestock at four N!oresi in eastern Bushmanland. The Cattle Fund, later the Ju|wa Bushman Development Foundation, is founded
- 1982 Government 'demonstration' agricultural farm established at Tsumkwe. Agricultural extension and veterinary services instituted. Private 'cattle fund' helps Ju'hoan build kraals and provide bulls. Cattle fund transferred to newly-established Ju|Wasi Bushman Foundation (JBF)
- 1984 Plan to turn Nyae Nyae into a game reserve announced
- 1985 Herero settle and occupy Ju'hoan N!ore at Gam. Establishment of 400km² experimental farm near Tsumkwe jointly done by Nature Conservation and Agricultural Ministries
- 1986 Ju|wa Farmers Union (JFU), later the Nyae Nyae Farmers Cooperative, NNFC established. Twenty-three communities re-established in N!oresi of eastern Bushmanland
- 1988 Run up to independence and meetings with government and NGO officials
- 1989 Cease fire declared on 1 April. Arrival of United Nations Transitional Assistance Group (UNTAG) forces. SWAPO wins November elections
- 1990 Namibian independence declared on 21, March. Departure of SADF along with approximately 2000 Vasekele and Mpungu soldiers and their families. Evangelical Lutheran Church in Namibia (ELCIN) becomes project implementer for Ministry of Lands, Resettlement and Rehabilitation (MLRR) re-settlement scheme in western Bushmanland. JFU rewrites constitution and becomes the Nyae Nyae Farmers' Co-operative (NNFC). Food aid and food for work programme initiated in western Bushmanland and in Gam continuing until the present
- 1991 Land Conference: Includes Ju'hoan delegates and one Vasekele San from Tsumkwe West. Government of Namibia formally recognizes NNFC as representative body for eastern Bushmanland. JBF becomes Nyae Nyae Development Foundation of Namibia (NNDNFN).
Environmental Planning Committee (EPC) formed. An incursion of Herero into Nyae Nyae ends peacefully with the government backing Ju'hoan land rights
- 1995–2002 Implementation of the LIFE project by USAID, GRN and WWF in Nyae Nyae area
- 1996 WIMSA formed to act as a regional networking and advocacy tool for the San. WIMSA assists the San of Tsumkwe West with the establishment of the Omatako Valley Rest Camp as a community-based tourism project
- 1997 Demonstration by Hai|om San to claim rights to ancestral land in Etosha National Park
- 1998 Founding of the Nyae Nyae Conservancy. First application to the MET for recognition of the Nǀa Jaqna Conservancy

- 2000 Announcement by Namibian government that refugees from a camp in central Namibia would be settled in M'kata in what is now Nǀa Jaqna
- 2002 With the death of UNITA leader, progress on peace accord in Angola. !Xun and other San begin to return to Angola
- 2003 Nǀa Jaqna Conservancy officially recognized by the government and inaugurated at Mangetti Dune. Status of Conservancies for protecting and tenure rights is questioned by government officials
- 2005 Nǀa Jaqna Conservancy Constitution re-drafted. Plans made for the establishment of a Community Forest in Nǀa Jaqna
- 2006 Government of Namibia formally announces plans to establish resettlement farms in Nǀa Jaqna
- 2008 !Kung chief John Arnold attends the 8th annual meetings of the United Nations Permanent Forum on Indigenous Issues in New York. Support of Nǀa Jaqna and other Conservancies agreed by GRN and the Millennium Challenge Corporation. Plans adopted to implement a Community Forest in the Nǀa Jaqna Conservancy area
- 2009 April invasion of Nyae Nyae area by Herero farmers from Gam leads the Jul'hoan of Nyae Nyae to seek legal advice and support while fears grow in Nǀa Jaqna that the same farmers may attempt to grab land in Nǀa Jaqna
- 2010 Discussions held in Namibian governance issues in Nǀa Jaqna Conservancy and the !Kung Traditional Authority
- 2011 Firing of Nǀa Jaqna Manager for embezzlement of funds from the Conservancy. Work begins on a new Conservancy Constitution

Click Symbols in the !Kung Language

The various click symbols used in the !Kung language are described as follows:

- “ǀ” is a dental click that sounds like “tsk” and is produced by putting the tongue behind the front teeth.
- “ǁ” is an alveolar click that sounds like a soft pop produced by putting the tongue just behind the ridge behind the front teeth as in Nǁa Jaqna
- “ǃ” is an alveolo-palatal click that sounds like a sharp pop produced by drawing the tongue quickly down from the roof of the mouth as in !Kung or !Xun
- “ǂ” is a lateral click that sounds like the clucking sound made in English to urge on a horse as in Haiǂom

Adapted from Hitchcock 2012 130–132.

Meetings Related to Small-Scale Farms

Date of Meeting (M/D/Y)	Location of the Meeting	Active Participants	Major Topic/Outcomes
11/23/2004	M'Kata village, Ntja Jaqna	*Conservancy staff * MLRR Director * Members of the !Kung TA	* MLRR may degazette the Con. * MLRR makes allegations of illegal interference in the land issue against Cameron and his Con. Team
12/07/2004	Otjiwarongo, capital of the Otjozondjupa Region	* Conservancy staff *Senior members of the !Kung TA * MLRR Officials *Chief Officer of the Otjozondjupa Regional Council (Head of the Otjozondjupa Regional Land Board) *LAC legal representation for Cameron	* Allegations of interference in land issues leveled against Cameron and a separate set of similar allegations leveled against a Senior Councillor of the !Kung TA * All allegations unfounded but Cameron, Con. staff and TA member given stiff warnings not to impede the progress of land reform or to stir up trouble with the land issue
21/04/2005	Omatako village, Ntja Jaqna	*Con. Leaders *Con. staff *!Kung TA members *MLRR staff *Regional Land Use consultants contracted by MLRR * Members of the local FA *Community members	* Regional Land Use Plan Workshop * Small-scale Farming Units discussed * Con assured by MLRR consultants that the Con. MUP would be respected * Heated debate about the level of local support for the farms * FA and some members of the TA request the MLRR to implement the farms - Conservancy leaders strongly oppose the implementation of the farming scheme - Some community members speak in support of the farms and others in opposition to the farms - No consensus on the local support for the farms reached *Workshop informed by MLRR representative that if there is local people are against the farms then the government will not implement them in the Con. Area
04/04/2005	Mangetti Dune, Ntja Jaqna	*Conservancy leaders *!Kun TA members * Conservancy members *Donors *Representatives of various government Ministries active in the Con. area *Donors *Church groups *NGOs *San language radio/media *Regional Councillor	First Conservancy Annual General Meeting (highest decision making body of the Conservancy) Official adoption of the Land use and Zonation Plan, Benefit Distribution Plan and the Management and Utilization Plan framed by the Conservancy and approved by the MET. *Farm issue discussed *Conservancy leadership and staff given an official mandate from the AGM

06/22/2006	Omatako village, Nṛa Jaqna	*MLRR Deputy Minister *Con. leaders and staff *!Kung TA	*Farming scheme discussed *Con asked by minister to convene meeting with Con leaders from all villages to determine the feelings of the residents about the plan and to report back to him
06/28/2006	Mangetti Dune village, Nṛa Jaqna	* Con. leaders and staff *!Kung TA	Farming proposal discussed *Chief requests the Con. To approve the plan Many questions from the Con. Leaders about the plan go unanswered *Conservancy leaders decline to give their support to the farming plan Con. Requests the Chief to write to the Minister of Lands and request written answers to specific questions about the government plan *Con asks the Chief to request a face-to-face meeting with the minister in the Conservancy
08/03/2006	Mangetti Dune village, Nṛa Jaqna	*!Kung TA *Con. leaders and staff *Community members	*TA to visit villages to gauge support for farms *Chief informs meeting that the government will implement the farms but are seeking support of the Conservancy for the project *Conservancy questions about the farms remain unanswered by the Chief or government officials
08/22/2006	Mangetti Dune village, Nṛa Jaqna	* Community members * !Kung TA * Con. leaders and staff * Con donors * Reps. From gov. Ministries in the area *San speaking member of Namibian Parliament	* Chief says that he has not given permission to the government to implement the farms * Chief says that the gov. is asking the Con. to “give up” about a third of its lands for the farms * Chief says that the farms will only go to people resident in the Con. * Chief’s ability to represent the interests of Con. Members openly questioned by community members * Conservancy asks Chief to arrange a face to face meeting with the Minister of Environment and Tourism to discuss the farming project * Chief not clear on the level of support among residents of the farms that was communicated to the MLRR * No consensus reached about the support for the farms and no endorsement of the project given by the TA, Con., or its donors or those politicians in the meeting
10/09/2006	Mangetti Dune village, Nṛa Jaqna	* Minister of Lands * Deputy Minister of Lands *Director of National Land Reform Program *!Kung TA * Con leaders and staff * Community members	* MLRR to answer questions about government proposal * MLRR stresses possibility of co-existence of farms and Con. * Level of local support of farms questioned * MLRR offers contradictory answers to questions about numbers and size of farms proposed, application procedures, who can apply for a farm Other questions remain unanswered by MLRR No approval of project offered by Con.

11/07/2006	Mangetti Dune village, Nṭa Jaqna	* KfW representatives * WIMSA * Con. leaders and staff * !Kung TA	* WIMSA stated opposition to the farm proposal as a donor to the Con. * Negative impacts of the farms on Community Forestry cited by KfW reps. * Con. frustration regarding the lack of clear information about the proposed farms reiterated * Con. questioned the ability of the Land Board to safeguard Con. resources * KfW's position was that the Community Forestry and the farms could coexist and had been given assurances from the Nam. Gov. that the two projects would not come into conflict
02/07/2007	Mangetti Dune village, Nṭa Jaqna	* Interministerial Task Team: reps. of MLRR, MET, MAWF, MLGH, * Con. leaders and staff * !Kung TA	* Gov. farming plan outlined * Con. submits a written outline of basis for opposition to the gov. plan * Con. opposition to the plan reiterated and Con. refuses to support plan * Task Team promises to make the consultancy report on which the gov. based its decision to bring farms to the Con. area available to the Con. leadership
11/08/2007	Mangetti Dune village, Nṭa Jaqna	- Minister of Lands - Minister of Environment and Tourism * Con. leaders and staff * !Kung TA * Regional Councillor	- Cabinet directed that options for coexistence of farms and Con. be discussed * MLRR asserts gov. control over Conservancy and farming projects - Minister of Lands says that the farming units will be 2,500 hectares each * Minister of Lands makes contradictory statements about application procedure for farms and who will be given a farm * The ability of the Land Board to safeguard local interests openly questioned * Minister of Lands says that San will be treated as a special group and will not have to pay the application fee for a farm - Minister of Environment and Tourism urges Con. to accept the farming proposal * Conservancy rejects the farming scheme

02/02/2008	Mangetti Dune village, Nṭa Jaqna	*Interministerial Task Team: Reps. from MLRR, MLGRD, National Planning Commission *Con. leaders and staff *!Kung TA	* Task Team requests 2 people from the Con. leadership to accompany the team to delineate that areas to be converted into farming units *Chief agrees to accompany the Task Team to delineate *Con. leaders refuse to accompany Task Team to delineate * Con. leaders assert that they never agreed to allow the farms in the Con. * MLRR asserts that the Cabinet made the decision to implement the farms and that is what is going to happen *Con. informed of a legal option formed by the Ministry of Justice that the Con. and farms can coexist in the same area *MLRR states that the Chief had informed them that local people support the farms * Con. asserts that the majority of the residents do not support the farming scheme *Task Team leader states that they will go ahead and demarcate the farms * Some members of the Task Team openly question the consultation process associated with the farms * Task team leader informs the Con. that no Con. related activities should take place north of the C44 road and that a new Con. boundary will be drawn to cut out the farms from the Con. * Several heated exchanges between Con. leaders and the head of the Task Team * Chief accompanies the Task team to demarcate the areas of the farms without the participation of the Con. * Con. never informed of the areas that were demarcated
Mid February – mid March 2008	All villages of the Conservancy	* Con. leaders * !Kung TA members * Conservancy residents * Con leaders and staff * !Kung TA * reps. from Gov. Ministries operating in the Con. area * Con. donors * Con .members * Reps. from Nyae Nyae Conservancy	* Village-level Consultation/update meetings * Farming scheme discussed at length in each village * Some support for farms at local level, much more opposition to farms at local level * Con. urged to use mandate given to it by 2007 Con. AGM to halt the implementation of the farming scheme * Many residents call for a change of leadership of the !Kung TA

04/06/2008	Mangetti Dune village, Nṭa Jaqna	* Con leaders and staff * !Kung TA * reps. from Gov. Ministries operating in the Con. area * Con. donors * Con. members * Reps. from Nyae Nyae Conservancy	* Con. AGM * Farms discussed * Chief distances himself from the gov. project and acknowledges problems with the consultation process * Con. membership extends mandate to the Con. leadership to put a halt to the implementation of the farming scheme
05/07/2008	Windhoek	* Con. leaders and staff * Minister of Lands * Ministry of Lands staff * Representative of LAC	* Meeting cancelled by minister when delegation arrives at his office * Con. told to reschedule meeting
05/13/2008	Windhoek	* Con. leaders and staff * Minister of Lands * Ministry of Lands staff * Representative of LAC	* Con. delegation pleased with willingness of Minister to listen to their arguments against the farms * Con. agrees to host the Minister of Lands in the Con. at a later date for a tour of the villages to hear the Con. membership's views on the farming scheme * Minister stops short of promising to halt the implementation of the farming scheme
05/14/2008	Windhoek	* Con leadership	* A petition would be circulated among the Con. Membership to get a clear and accurate picture of the levels of support and opposition to the farming project * The results of this would be presented to the Minister of Lands * Petition would be open to all residents of the Con. not just the membership - Teams consisting of reps. From the Con. leadership, !Kung TA, MET, the office of the Regional Councillor would visit each village in the Con * Gov. proposal for farms would be explained * Questions from the membership about the farms would be answered * Signatures of people for and against the gov. farming proposal would be gathered and levels of support carefully recorded * The data from the villages would be compiled in a petition and a report of the Minister of Lands and the Con. * Village meeting convened as soon as possible to allow for the petition to be circulated before the anticipated visit of the Minister of Lands to the Conservancy the following month

06/10/2008	Omatako village, Nṭa Jaqna	* Con. leaders and staff * Minister of Lands * Director of Land Reform * !Kung TA * FA * Community members * NamPol	* Con. attempts to present minister with petition * 78percent of residents against proposal * Minister refuses to formally accept petition and requests a report on how the signatures were collected - Head of FA blames the level of opposition to the farms on Cameron and the Kenyan then working for the Con. as Technical Advisor * Director of Land Reform says that the farms will be implemented in the coming months and that the Lands Ministry had issued tenders related to the implementation of the farming scheme
06/11/2008	Mangetti Dune village, Nṭa Jaqna	* Con. leaders and staff * Minister of Lands * Director of Land Reform * !Kung TA * MET staff * Community members * NamPol	* Petition discussed * Heated exchanges between Con. leaders and minister * Minister stresses benefits of project for beneficiaries * Ministry of Lands officials did not inform the meeting that the farms would be implemented despite local opposition but left the future of the project undefined
11/03/2009	Windhoek	* Namibian San Council * WIMSA staff * San member of Namibian Parliament	* !Kung and Jul'hoan Chiefs sign letter outlining reasons for !Kung Chief's withdrawal of support for the gov. farming scheme * In letter !Kung Chief commits to informing the Minister of Lands in writing that he no longer supports the project due to the amount of local opposition to the project and a desire to uphold the constitution of the Conservancy and its MUP

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Community-based natural resource management or CBNRM, with its attention to community participation, its call for de-centralization of rights to local resource users through democratic and equitable structures, and its potential to deliver benefits to local livelihoods and national conservation interests now forms the predominant strategy for rural development in the communal areas of Namibia. This framework is presumed by the Namibian government and international bodies concerned with conservation and development to deliver measurable and positive economic, environmental, and political results for the State and all of its citizens. For residents of many of the communal areas of Namibia the “Conservancy” has become the primary avenue through which rural residents engage with development and conservation in various efforts to improve local livelihoods and to conserve natural resources. CBNRM has taken on particular form and significance for the San in Namibia.

This book examines the current position of the San as marginalized indigenous peoples in Namibia. In doing so, it explores how CBNRM has become a nexus through which questions of indigeneity, conservation and development have come to bear on San communities. Focusing on the experiences of a group of predominantly San communities in the North-East of Namibia, the historical and contemporary situations of the San of the Nǀa Jaqna Conservancy and their engagement with CBNRM are examined. In looking to the future, this work seeks to understand what mechanisms and institutions give indigenous groups, such as the San, a foothold in the State and an avenue through which to navigate and shape their own modernity(ies). This work explores the modalities through which conservation comes together with interests of indigenous groups and how these groups deploy leverage gained through invoking conservation as discourse and practice. In examining San engagements with the Conservancy structures in Nǀa Jaqna, this study seeks answers not only to the question of what San engagements with CBNRM can tell us about the potential of the CBNRM framework itself for facilitating rural development and conservation, but also the question of what engagement with CBNRM can tell us about how the San of Namibia actively engage in rural development. The following work focuses not solely on how policies and governmental or non-governmental interventions have impacted San realities and life ways, but also the ways in which the San of Nǀa Jaqna have negotiated, impacted, and shaped these processes.

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